

STATUTES OF CALIFORNIA

PASSED BY THE
FORTY-SIXTH SESSION OF THE LEGISLATURE

CHAPTER 1.

An act to amend section two hundred sixty-six of the Political Code relating to the method of paying salaries and mileage of the members of the legislature and making the same an urgency measure.

[Approved by the Governor January 9, 1925.]

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

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

266. The members of the legislature shall receive, as compensation for their services, the sum of two thousand four hundred dollars biennially, during the term for which they shall have been elected, payable as follows: The sum of one thousand two hundred dollars for services during each regular session of the legislature at the rate of twelve dollars per day payable weekly during such regular session, until the sum of one thousand two hundred dollars is paid. In the event of final adjournment before the said sum of one thousand two hundred dollars is paid, then the balance shall be immediately payable. During the even numbered year of each biennial said salary of the members of the legislature shall be payable at the rate of one hundred dollars per month, in the same manner and at the same time as salaries of other state officers. Members shall receive for each regular, special or extraordinary session five cents per mile for each mile of travel to and from their residences and the place of holding the session, to be paid upon the convening of the legislature.

Compensation of members of legislature.

Mileage.

SEC. 2. This act, inasmuch as it provides a method for the payment of the salaries of the members of the legislature and is for the payment of the usual current expenses of the state, shall, under the provisions of section one of article four of the constitution, take effect immediately.

Urgency measure.

CHAPTER 2.

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

[Approved by the Governor January 14, 1925.]

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

SECTION 1. The sum of six hundred eighty-six dollars and seventy cents, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not

Appropriation: presidential electors.

otherwise appropriated, to pay the per diem and mileage of electors of president and vice president of the United States of America for the year one thousand nine hundred twenty-five.

SEC. 2. 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 four of the constitution, take effect immediately.

CHAPTER 3.

An act making an appropriation to meet the deficiency in the funds for the acceptance of the appropriation of the federal government for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment, for the last half of the seventy-sixth fiscal year.

[Approved by the Governor January 22, 1925.]

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

Appropriation:
vocational
rehabilita-
tion.

SECTION 1. The sum of sixteen thousand two hundred seventy-six dollars and six cents is hereby appropriated out of any money in the state treasury not otherwise appropriated, to meet the deficiency in the funds for the acceptance of the appropriation of the federal government for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment, for the last half of the seventy-sixth fiscal year. All expenditures under this act shall be subject to the approval and audit of the board of control.

Urgency
measure.

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

CHAPTER 4.

An act making an appropriation to meet the deficiency in the appropriation for emergency fund for the seventy-fifth and seventy-sixth fiscal years.

[Approved by the Governor January 27, 1925.]

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

Appropriation:
emergency
fund.

SECTION 1. The sum of one hundred and twenty-five thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to meet the deficiency in the appropriation for emergency fund for the seventy-fifth and seventy-sixth fiscal years.

Urgency
measure.

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

CHAPTER 5.

An act making an appropriation to meet a deficiency in the appropriation for printing and distributing constitutional amendments submitted to the voters at the election held November 4, 1924.

[Approved by the Governor January 27, 1925.]

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

SECTION 1. The sum of eight thousand five hundred one dollars and sixty-five cents is hereby appropriated out of any money in the state treasury not otherwise appropriated to meet the deficiency in the appropriation for printing and distributing constitutional amendments, submitted to the voters at the election held November 4, 1924. Appropriation: printing constitutional amendments.

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

CHAPTER 6.

An act making an appropriation to meet a deficiency in the appropriation for transportation of insane and prisoners for the seventy-fifth and seventy-sixth fiscal years.

[Approved by the Governor February 2, 1925.]

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

SECTION 1. The sum of one hundred thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to meet the deficiency in the appropriation for transportation of insane and prisoners for the seventy-fifth and seventy-sixth fiscal years. Appropriation: transportation of insane and prisoners.

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

CHAPTER 7.

An act making an appropriation to meet the deficiency in the appropriations for salaries of director and employees and support of the state department of agriculture, for the seventy-fifth and seventy-sixth fiscal years.

[Approved by the Governor February 2, 1925.]

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

SECTION 1. The sum of two hundred ninety-two thousand two hundred eighty-three dollars and fifty cents is hereby appropriated out of any money in the state treasury not Appropriation: department of agriculture.

otherwise appropriated, to meet the deficiency in the appropriations for salaries of director and employees and support of the state department of agriculture, for the seventy-fifth and seventy-sixth fiscal years.

Urgency
measure.

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

CHAPTER 8.

An act to amend sections one, five, eight, ten, fourteen, fifteen, and nineteen of an act entitled "An act authorizing the creation, government and maintenance of county sanitation districts, the issuance of bonds by such districts and the powers thereof," approved May 29, 1923.

[Approved by the Governor February 2, 1925.]

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

Stats. 1923,
p. 498,
amended.

SECTION 1. Section one of an act entitled "An act authorizing the creation, government and maintenance of county sanitation districts, the issuance of bonds by such districts and the powers thereof," approved May 29, 1923, is hereby amended to read as follows:

Sanitation
districts
provided for.

Section 1. Sanitation districts may be created, maintained and governed within any county, or city and county, of the state as in this act provided.

Stats. 1923,
p. 500,
amended.

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

Board of
directors.

Sec. 5. Such sanitation district shall be governed by a board of directors of not less than three members. The presiding officer of the governing body of each incorporated city, the whole or part of which is included in such district, shall automatically become a member of such board of directors. If unincorporated territory and but one incorporated city or part thereof be included in such district, the presiding officer, and one other member, of the board of supervisors of the county in which said district is organized shall be members of the board of directors, unless the population of such city or part thereof exceed that of the unincorporated territory included within such district, in which event the presiding officer of such board of supervisors and the presiding officer of the governing body of such city and one other member of such governing body shall constitute such board of directors; but whenever unincorporated territory and two or more cities or parts thereof are included in such district the presiding officer of the board of supervisors of the county in which such district is located shall be a member of such board of directors. In the event such district contains no unincorporated territory, the board of directors thereof shall consist of the presiding officers of the governing bodies of the cities wholly or in part

Membership.

within said district; and in event there be but two cities or parts thereof in such district, one additional member shall be selected from the governing body of each such city. In the event the whole of such district shall be unincorporated territory, the board of supervisors of the county in which the district is organized shall be and constitute such board of directors. The county auditor of the county in which such district is located shall be and is hereby designated as, and empowered to act as, *ex officio* the auditor of the district. In governing the district such board of directors shall have the following powers:

(a) To employ such sanitation experts, surveyors, counsel Powers. and other persons as may be needed to carry into effect any of the powers hereinafter given.

(b) To acquire by gift, purchase, condemnation or otherwise, in the name of the district, and to own, control, manage and dispose of any real or personal property or interest therein necessary or convenient for the construction and maintenance of, and to construct and maintain within or without the district a sewerage system and sewage disposal or treatment plant; *provided, however*, that no such sewage disposal or treatment plant shall be constructed or maintained in any city not within the district, except by consent granted by the unanimous vote of the governing body of such city.

(c) To issue bonds of the district in the manner hereinafter set forth.

(d) To cause to be levied and collected in the manner hereinafter provided an assessment upon all the taxable real property within the district sufficient to meet the obligations evidenced by the bonds and to maintain the works of the district, and to defray all other expenses incidental to the exercise of the powers herein granted.

SEC. 3. Section eight of said act is hereby amended to read as follows: Stats. 1923, p. 502, amended.

Sec. 8. After the approval and adoption of said report the board of directors of the district shall proceed to submit to the voters of the district the proposition of incurring a bonded indebtedness to obtain funds with which to acquire the property and do the work set forth in the report. For that purpose a special election shall be called by resolution. Such resolution shall state: (a) the general objects and purposes for which it is proposed to incur an indebtedness; (b) a reference to the report filed with the board of directors for particulars; (c) the amount of the principal indebtedness proposed; (d) the part of the principal to be paid each year, which part shall not be less than one-fortieth; (e) the rate of interest or a maximum rate of interest to be paid, which rate shall not be more than six per cent per annum, payable semiannually; (f) the date of such election; (g) the election precincts, polling places and election officers. Bond election.

For the purposes of the special election the board of directors may consolidate into one precinct several precincts

established for general election purposes and describe the precinct by reference to the general election precincts.

An election board consisting of one inspector, one judge and one clerk shall be appointed by the board of directors for each precinct.

Only qualified registered electors of the district shall be eligible to vote at such election.

The resolution calling the election shall be published once a week for three successive weeks in such newspaper having a general circulation in the district as the board of directors may designate. No other notice of such election need be given.

Stats. 1923,
p. 503,
amended.

Construction
fund.

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

Sec. 10. The said board of directors may issue and sell the bonds of such district authorized as hereinbefore provided at not less than par value, and the proceeds of the sale of such bonds shall be placed in the treasury of the county to the credit of the construction fund of said district, and the proper record of such transactions shall be placed upon the books of the treasurer. Said construction fund shall be applied exclusively to the purposes and objects mentioned in the resolution calling such special bond election as aforesaid, subject to the provisions in this act contained. Payments from said fund shall be made upon demands allowed by the board of directors of said district, and prepared, presented, and audited in the same manner as demands upon the funds of the county.

Stats. 1923,
p. 504,
amended.

Tax levy to
pay principal
and interest.

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

Sec. 14. The board of directors must annually, 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 sanitation district is located is required by law to levy the amount of taxes required by law for county, or city and county purposes, furnish to the board of supervisors a written statement of the amount necessary 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, 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 upon the taxable real property in such district, based upon the last equalized assessment roll of said county, or city and county, 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. Should the board of directors of the district fail to furnish to the board of supervisors said written statement of the amount necessary, it shall nevertheless be the duty of the board of supervisors of such county, or city and county, to ascertain the amount necessary 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, and to levy and cause to be collected said amount as herein provided. Said tax shall be collected at the time and in the same manner as the general tax levy for county, or city and county purposes, and when collected, shall be paid into the treasury of the county, or city and county, to the credit of said district, and shall be used for the payment of the principal and interest upon said bonds, and for no other purpose. The principal and interest on said bonds shall be paid by the treasurer of said county, or city and county, in the manner now or hereafter provided by law for the payment of principal and interest on the bonds of the county, or city and county.

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

Stats. 1923,
p. 504,
amended.

Sec. 15. The board of directors may in any year 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 sanitation district is located, is required by law to levy the amount of taxes required by law for county, or city and county purposes, furnish to said board of supervisors a written statement of the amount necessary to maintain, operate, extend or repair any work or improvements of the district, and to defray all other expenses incidental to the exercise of any of the powers granted by this act, and the board of supervisors of such county, or city and county, must, at the time and in the manner of levying other county, or city and county taxes, levy and cause to be collected a tax upon the taxable real property in such district, based upon the last equalized assessment roll of said county, or city and county, sufficient to pay the cost of maintaining, operating, extending or repairing any work or improvements of the district and of defraying all other expenses incidental to the exercise of any of the powers granted by this act. Said tax shall be levied and collected at the same time and in the same manner as the general tax levy for county, or city and county purposes, and the revenue derived from said tax shall be paid into the county treasury to the credit of the operating fund of said district, and said board of directors shall have the power to control and to order the expenditure thereof for said purposes; *provided*, that payments from said operating fund shall be made upon demands allowed by the board of directors of said district and prepared, presented and audited in the same manner as demands upon the funds of the county, or city and county.

Tax levy to
pay current
expenses.

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

Stats. 1923,
p. 505,
amended.

Sec. 19. The board of directors may, by agreement with any city or other public agency, take possession of or acquire by condemnation or in any other manner any sewerage system, sewage disposal or treatment plant necessary or con-

Disposition
of existing
sewerage
systems, etc.

venient to carry out any of the objects authorized by this act, or may acquire by agreement or in any manner the right to use the same, and any city or other public agency shall have the power to enter into such agreement with any sanitation district; and a compliance with this act shall be sufficient to authorize such an agreement by either a sanitation district or any municipality or other public agency entering into such a contract with any sanitation district. Whenever any sewerage system or sewage disposal or treatment plant so taken possession of or otherwise acquired was built from the proceeds of a bond issue, the district shall assume and pay out of the funds of the district all the outstanding bonds according to their terms, and the principal sum thereof remaining unpaid shall be credited to the district and deducted from any sum to be paid to the city or governmental agency therefor. Funds may be obtained to pay the principal and interest on such bonds as in section fourteen above provided for paying the principal and interest on the bonds therein referred to.

Each city and governmental agency within the district is hereby authorized to enter into an agreement or agreements with the district for the use of or entire possession and operation by the district of any sewerage system or sewage disposal or treatment plant owned or operated by such city or governmental agency.

Urgency
measure.

SEC. 8. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section one of article four of the constitution of the State of California and shall take effect immediately.

The facts constituting such urgency are as follows:

Various sanitation districts have been formed and proceedings have been taken or are being taken in said sanitation districts necessary for the issuance of bonds, the proceeds of which are to be used for the construction of sewerage systems. That such sewerage systems are seriously needed for the immediate care of sewage within the thickly populated territory in such districts, and that if such sewage is not taken care of promptly it will become a menace and danger to life and health. That the amendments to said county sanitation district act herein contained are necessary to the sale or disposal of said bonds.

CHAPTER 9.

An act to provide for the dedication by the state board of control to the use of the public for highway purposes of a strip of land forty feet wide and approximately one thousand one hundred fifty feet long, more particularly described hereinafter, and being a portion of the property vested in the directors of State Insane Asylum of the State of California located in the city of Stockton (now known as the Stockton State Hospital), and adjoining a portion of North California street, a public highway in the city of Stockton, county of San Joaquin, State of California.

[Approved by the Governor March 19, 1925.]

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

SECTION 1. The state board of control is hereby authorized and empowered to dedicate to the use of the public for highway purposes that parcel of land being within the county of San Joaquin, State of California, and adjoining a portion of North California street, a public highway in the city of Stockton, county of San Joaquin, State of California, and more particularly described as follows:

Stockton
State
Hospital
land
dedicated
to highway
purposes.

Commencing at a point on the southeast corner of lot forty-two in block five as said lot and block are so designated and delineated upon that certain map or plat entitled: "Easterly extension of North Stockton," filed in the office of the county recorder of San Joaquin county, State of California, on June 17, 1893; thence southerly in a direct line along the east line of block five produced a distance of twenty (20) feet to a point on the south line of Blains Lane; thence easterly along said south line of Blains Lane and said line produced a distance of forty (40) feet to a point in the center line of California street, the point of beginning; thence easterly along said south line of Blains Lane produced a distance of forty (40) feet; thence northerly in a direct line a distance of one thousand one hundred fifty (1150) feet more or less to a point on the south line of the Stockton Electric Railway Company; thence westerly in a direct line a distance of forty (40) feet to a point on the east line of the right of way of the Stockton Electric Railway Company; thence southerly in a direct line a distance of one thousand one hundred fifty (1150) feet to the point of beginning; and vested in the directors of the State Insane Asylum of the State of California located in the city of Stockton (now known as Stockton State Hospital), as per deed thereto dated January 9, 1875, recorded January 11, 1875, in book "A" of deeds, vol. 29, page 300, San Joaquin county records.

CHAPTER 10.

An act to amend section four hundred thirty-nine of the Political Code, relating to employees in controller's office.

[Approved by the Governor March 19, 1925.]

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

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

Employees in controller's office.

439. The controller may appoint one deputy controller at an annual salary of four thousand dollars, and one deputy controller at an annual salary of three thousand dollars, both such salaries to be paid at the same time and in the same manner as the salaries of other state officers. He may also appoint and fix the salaries of one bookkeeper, one redemption tax expert, one franchise tax expert, one superintendent franchise tax department and one statistician, all of whom shall be civil executive officers, and such other clerical and expert assistants as may be necessary for the proper conduct of his office.

CHAPTER 11.

An act to amend section three thousand seven hundred seventy-three of the Political Code, relating to land sold for taxes.

[Approved by the Governor March 19, 1925.]

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

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

Land sold for taxes. Value not to be impaired.

3773. When lands have been sold, or shall hereafter be sold, to the State of California by reason of nonpayment of taxes, no owner or claimant of such lands, nor any other person, shall remove or destroy any building, fixture or other improvement 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*, the provisions of this section shall not apply when such lands have been redeemed from sale or such lands have been sold and disposed of by the state. Violation of any of the provisions of this paragraph of this section shall constitute a misdemeanor.

State entitled to rents, etc.

From and after the date of recording of the deed to the state as provided in section three thousand seven hundred eighty-five of this code, the state shall be entitled to rent, receive and collect all rents, issues and profits arising in any manner from the property so conveyed. The controller of state may demand from the former owner of said property, or any person having any interests therein, or any person in the possession, actual or constructive, of said property or of any part thereof, an accounting for said rents, issues and profits,

and may at any time after recording of the deed to the state as aforesaid demand and receive possession of the property so conveyed, and such possession shall be surrendered to any person designated by the controller, authority for such designation being hereby granted.

For the enforcement of the provisions of this paragraph of this section the controller is authorized to commence and maintain an action or actions in behalf of the state. The superior court of the county of Sacramento shall have jurisdiction in the matter of such actions. Controller may sue.

All moneys recovered under the provisions of this section shall be paid into the state treasury to the credit of the general fund and shall not be considered as a credit on the amount necessary to be paid in redemption of the property from the sale to the state. Moneys recovered.

CHAPTER 12.

An act to amend sections three thousand six hundred seventeen, three thousand six hundred twenty-seven, three thousand six hundred twenty-eight, three thousand six hundred twenty-nine and three thousand six hundred fifty of the Political Code, all relating to revenue and taxation, and to add a new section thereto to be numbered three thousand six hundred twenty-seven a to carry into effect the provisions of section twelve and one-half of article thirteen of the constitution of the State of California as said constitution was amended November 4, 1924, providing for the assessment, levy and collection of taxes on notes, debentures, shares of capital stock, bonds, solvent credits, and mortgages or deeds of trust not exempt from taxation, and providing penalties for failure or refusal to comply with the terms hereof.

[Approved by the Governor March 20, 1925.]

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

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

3617. Whenever the terms mentioned in this section are employed in this act, they are employed in the sense hereafter affixed to them. Words and phrases defined.

First—The term “property” includes money, credits, bonds, (except railroad or quasi-public corporations), stocks, dues, franchises, and all other matters and things, real, personal, and mixed, capable of private ownership.

Second—The term “real estate” includes:

1. The possession of, claim to, ownership of, or right to, the possession of land.

2. All mines, minerals, and quarries in and under the land, all timber belonging to individuals or corporations, growing or being on the lands of the United States, and all rights and privileges appertaining thereto.

3. A mortgage, deed of trust, contract or other obligation by which a debt is secured, when land is pledged for the payment and discharge thereof, shall, for the purpose of assessment and taxation, be deemed and treated as an interest in the land so pledged.

4. Improvements.

Third—The term "improvements" includes:

1. All buildings, structures, fixtures, fences, and improvements erected upon or affixed to the land, except telephone and telegraph lines.

2. All fruit, nut-bearing, or ornamental trees and vines, not of natural growth, excepting date palms under eight years of age and fruit and nut-bearing trees under four years of age, and grape vines under three years of age.

3. Alfalfa, after the first year's planting.

Fourth—The term "personal property" includes everything which is the subject of ownership, not included within the meaning of the term "real estate" or "improvements."

Fifth—The terms "value" and "full cash value" mean the amount at which the property would be taken in payment of a just debt from a solvent debtor.

Sixth—The term "credits" means those solvent debts, not secured by mortgage, deed of trust, contract or other obligation, where land situated within this state is pledged as security therefor, owing to the person, firm, corporation, or association assessed. The term "debt" means those liabilities, unsecured by mortgage, deed of trust, contract or other obligation, where land situated within this state is pledged as security therefor, owing by the person, firm, corporation, or association assessed to bona fide residents of this state, or firms, associations or corporations doing business therein; but credits, claims, debts, and demands due, owing or accruing for or on account of money deposited with savings and loan corporations or with building and loan associations, shall, for the purpose of taxation, be deemed and treated as an interest in the property of such corporation, and shall not be assessed to the creditor or owner thereof.

SEC. 2. Section three thousand six hundred twenty-seven of the Political Code is hereby amended to read as follows:

Valuation
for taxation.

3627. All taxable property must be assessed at its full cash value, except that all notes, debentures, shares of capital stock, bonds, solvent credits, and mortgages or deeds of trust, which are taxable to the owner thereof under provisions of the laws of this state other than this section and section three thousand six hundred twenty-seven *a* of this code, belonging to a taxpayer who, in person, or when absent from the county, by his representative, has complied with the provisions of section three thousand six hundred twenty-nine of this code, shall be assessed at seven per cent of the full cash value thereof. In determining the full cash value of such shares of capital stock there shall be deducted the value of the property in California of the corporation by which such shares of capital

stock are issued. Land and 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. A new section is hereby added to the Political Code to be numbered three thousand six hundred twenty-seven *a* and to read as follows:

3627*a*. The assessor of each county, city and county, city, district, or other political subdivision, shall assess notes, debentures, shares of capital stock, bonds, solvent credits, and mortgages or deeds of trust, which are taxable to the owner thereof under provisions of the laws of this state other than this section and section three thousand six hundred twenty-seven of this code, at seven per cent of the full cash value thereof; *provided*, that the taxpayer shall have included such property in the annual statement, under oath, made and delivered to the assessor as required by law; *provided, however*, that as to such property so included in such annual statement that may be made as of the first Monday of March, 1926, if any such property so disclosed shall have escaped assessment for the last preceding year and shall have been then in the ownership or under the control of the same person so including such property in such annual statement, the provisions of section three thousand six hundred forty-nine of the Political Code shall not apply; *and provided, further*, that in the event of failure or refusal to file such annual statement such property shall be assessed at its full cash value, except as provided in section three thousand six hundred twenty-seven of this code. In determining the full cash value of the properties hereinbefore enumerated in this section, the assessor shall not take into account the existence of any custom or common method, if any, of assessing any other class or classes of property at less than the full cash value thereof.

SEC. 4. Section three thousand six hundred twenty-eight of the Political Code is hereby amended to read as follows:

3628. Except as otherwise provided in the constitution of this state, all taxable property shall be assessed in the county, city, city and county, town, township, or district in which it is situated. Land shall be assessed in parcels, or subdivisions, not exceeding six hundred forty acres each; and tracts of land containing more than six hundred forty acres, which have been sectionized by the United States government, shall be assessed by sections or fractions of sections. Land sold by the state for which no patent has been issued, shall be assessed the same as other land, but the owner shall be entitled to a deduction from such assessed valuation in the amount due the state as principal upon the purchase price. The assessor must, between the first Mondays in March and July of each year, ascertain the names of all taxable inhabitants, and all the property in his county subject to taxation, except such as is required to be assessed by the state board of equalization and must assess such property to the persons by whom it was owned or claimed, or in whose

Assessment
of securities.

Where and
how assessed.

possession or control it was, at twelve o'clock meridian of the first Monday in March next preceding; but no mistake in the name of the owner or supposed owner of real property shall render the assessment thereof invalid. In assessing solvent credits, not secured by mortgage, deed of trust, contract or other obligation, where land situated within this state is pledged as security therefor, a deduction from the assessed value shall be made of seven per cent of such debts, unsecured by mortgage, deed of trust, contract or other obligation, where land situated within this state is pledged as security therefor, as may be owing by such person, firm, corporation or association to bona fide residents of this state.

SEC. 5. Section three thousand six hundred twenty-nine of the Political Code is hereby amended to read as follows:

Personal
statement
of property
subject to
taxation.

3629. The assessor must exact from each person a statement, under oath, setting forth specifically all the real and personal property not exempt from taxation owned by such person, or in his possession, or under his control, at twelve o'clock m. on the first Monday in March. Such statement shall be in writing, showing separately:

1. All property belonging to, claimed by, or in the possession or under the control or management of such person.

2. All property belonging to, claimed by, or in the possession or under the control or management of any firm of which such person is a member.

3. All property belonging to, claimed by, or in the possession or under the control or management of any corporation of which such person is president, secretary, cashier, or managing agent.

4. The county in which such property is situated, or in which it is liable to taxation, and, if liable to taxation in the county in which the statement is made, also the city, town, township, school district, road district, or other revenue districts in which it is situated.

5. An exact description of all lands, in parcels or subdivisions, not exceeding six hundred forty acres each, and the sections and fractional sections of all tracts of land containing more than six hundred forty acres, which have been sectionized by the United States government, improvements and personal property, including all vessels, steamers, and other watercraft; and all taxable state, county, city, or other municipal or public bonds, and the taxable bonds of any person, firm or corporation, and deposits of money, gold dust, or other valuables, and the names of the persons with whom such deposits are made, and the places in which they may be found.

6. All solvent credits, unsecured by mortgage, deed of trust, contract or other obligation where land situated within this state is pledged as security therefor, due or owing to such person, or any firm of which he is a member, or due or owing to any corporation of which he is president, secretary, cashier, or managing agent. Whenever one member of a firm, or one of the proper officers of a corporation, has made a statement

showing the property of the firm or corporation, another member of the firm, or another officer, need not include such property in the statement made by him; but his statement must show the name of the person or officer who made the statement in which such property is included.

7. All debts, unsecured by mortgage, deed of trust, contract, or other obligation where land situated within this state is pledged as security therefor, owing by such person, firm or corporation to bona fide residents of this state, which the debtor asks to have deducted in whole or in part from the said solvent credits. No debts shall be deducted unless the statement shows the amount of such debts, stated under oath in the aggregate.

SEC. 6. Section three thousand six hundred fifty of the Political Code is hereby amended to read as follows:

3650. The assessor must prepare an assessment book, with appropriate headings as directed by the state board of equalization, in which must be listed all property within the county, and which shall show under the appropriate head:

Assessment
book: what
to show.

1. The name and post-office address, if known, of the person to whom the property is assessed.

2. Land, by township, range, section, or fractional section; and when such land is not a congressional division or subdivision, by metes and bounds, or other description sufficient to identify it, giving an estimate of the number of acres, not exceeding in any tract six hundred forty acres, locality, and the improvements thereon. When any tract of land is situated in two or more school, road, or other revenue districts of the county, the part in each such district must be separately assessed. The improvements to be assessed against the particular section, tract, or lot of land upon which they are located; city and town lots, naming the city or town, and the number of the lot and block, according to the system of numbering in such city or town, and the improvements thereon.

3. All property within the limits of an incorporated city or town shall be assessed in an assessment book separate and distinct from the assessment book containing the assessment of property situate outside the limits of such incorporated city or town; or, if but one assessment book is used, then in a separate and distinct part of such book; *provided*, that all property assessed shall be arranged on the assessment book by elementary school districts, as such districts are legally formed and exist on the first Monday in March of each year; *provided, further*, that where any school district embraces property situate both within and without the limits of an incorporated city or town, such property shall be assessed and kept separate and distinct on the assessment book.

4. All personal property, showing the number, kind, amount, and quality; but a failure to enumerate in detail such personal property does not invalidate the assessment.

5. The cash value of real estate.

6. The cash value of improvements on such real estate.

7. The cash value of improvements on real estate assessed to persons other than the owners of the real property.

8. The assessed value of all property assessed at seven per cent of its cash value, as provided for in section three thousand six hundred twenty-seven of this code, and the cash value of all other personal property, exclusive of money.

9. The amount of money.

10. Taxable improvements owned by any person, firm, association, or corporation, located upon land exempt from taxation, shall, as to the manner of assessment, be assessed as other real estate upon the assessment book. No value shall, however, be assessed against the exempt land, nor under any circumstances shall the land be charged with or become responsible for the assessment made against any taxable improvements located thereon.

11. The school, road, and other revenue districts in which each piece of property assessed is situated.

12. The total value of all property.

13. In entering assessments containing solvent credits subject to deductions, as provided in section three thousand six hundred twenty-eight of this code, he must enter in the proper column seven per cent of the cash value of the debts entitled to deduction and deduct the same. After making the deductions from the total value of property assessed, as above directed, he must enter the remainder in the column provided for the total value of all property for taxation.

14. Such other things as the state board of equalization may require.

CHAPTER 13.

An act to amend section nineteen x twenty-eight of an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March eighth, nineteen hundred and nine, as amended by an act approved April fifth, one thousand nine hundred eleven, and as amended by an act approved June sixteenth, one thousand nine hundred thirteen, and all amendments

thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended.

[Approved by the Governor March 24, 1925.]

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

SECTION 1. Section nineteen *x* twenty-eight of an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March eighth, one thousand nine hundred nine, as amended by an act approved April fifth, one thousand nine hundred eleven, and as amended by an act approved June sixteenth, one thousand nine hundred thirteen, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, is hereby amended to read as follows:

Stats. 1921,
p. 1061,
amended.

Sec. 19*x*28. In counties of the twenty-eighth class there shall be one probation officer whose salary shall be seventy dollars per month.

Counties of
28th class,
salary of
probation
officer.

CHAPTER 14.

An act to amend section nine hundred sixty-one of the Political Code, relating to bonds of officers.

[Approved by the Governor March 24, 1925.]

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

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

961. Every official bond, given pursuant to law, executed by any officer of the state, or of any county or any subdivision thereof, or of any town or city organized under the provisions of this code, or by any officer of a city or county governed by a freeholders charter, is in force and obligatory upon the principal and sureties therein to and for the State of California, or such municipal corporation, and to and for the use and benefit of all persons who may be injured or aggrieved by the wrongful act or default of such officer in his official capacity; and any person so injured or aggrieved may bring suit on such bond, in his own name, without an assignment thereof.

Suit on
bonds.

CHAPTER 15.

An act to amend section one hundred seventy of the Code of Civil Procedure, relating to disqualification of judges.

[Approved by the Governor March 24, 1925.]

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

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

Disqualifi-
cation of
judges.

170. No justice, judge, or justice of the peace shall sit or act as such in any action or proceeding:

1. To which he is a party or in which he is interested;

Relationship.

2. When he is related to either party, or to an officer of a corporation which is a party, or to an attorney, counsel, or agent of either party, by consanguinity or affinity, within the third degree, computed according to the rules of law; *provided, however*, that if the parties to the action, or the executor, or administrator of the estate, or the guardian of the minor or incompetent person, or the receiver, or the commissioner, or the referee, or the attorney for a party in all special proceedings of a civil or criminal nature, shall sign and file in the action or matter, a stipulation in writing waiving the disqualification herein, the judge or court may proceed with the trial or hearing with the same legal effect as if no such disqualification existed;

Having acted
as attorney.

3. When in the action or proceeding, or in any previous action or proceeding involving any of the same issues, he has been attorney or counsel for either party; or when he has given advice to either party upon any matter involved in the action or proceeding;

Bias or
prejudice.

4. When it appears from the affidavit or affidavits on file that either party cannot have a fair and impartial trial before any judge of a court of record about to try the case by reason of the prejudice or bias of such judge, said judge shall forthwith secure the services of some other judge, of the same or another county, to preside at the trial of said action or proceeding; *provided*, that in an action in the superior court of a county, or of a city and county, having more than one department, said action shall be transferred to another department thereof, and tried therein in the same manner as though originally assigned to such department. The affidavit or affidavits alleging the disqualification of a judge, must be filed and served upon the adverse party or the attorney for such party at least one day before the day set for trial of such action or proceeding; *providing*, counter-affidavits may be filed at least one day thereafter, or such further time as the court may extend the time for filing such counter-affidavits, not exceeding five days, and for this purpose the court may continue the trial; and in no one cause or proceeding can more than one such change of judges be had. But the provisions of this section shall not apply to the arrangement of the calendar, or to the regulation of the

order of business, nor the power of transferring the action or proceedings to some other court, or the hearing upon such affidavits and counter-affidavits.

Nothing in this section contained shall affect a party's ^{Change of venue.} right to a change of the place of trial in the cases provided for in title four, part two of this code.

CHAPTER 16.

An act providing for the survey and subdivision of lands belonging to the State of California to be sold or leased, and the recording of maps of surveys and subdivisions.

[Approved by the Governor March 24, 1925.]

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

SECTION 1. The state surveyor general is hereby authorized to make surveys and subdivisions of lands belonging to the State of California to be sold or leased and the county recorders shall record maps thereof, made by the surveyor general, without cost to the state. ^{Survey of state lands.}

SEC. 2. Such maps shall be the official maps of the surveys and subdivisions and all patents or leases issued for the lands shall refer to the maps so recorded. ^{Official maps.}

CHAPTER 17.

An act to repeal section four thousand ninety-nine of the Political Code, relating to joint statements of auditor and treasurer.

[Approved by the Governor March 24, 1925.]

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

SECTION 1. Section four thousand ninety-nine of the ^{Repealed.} Political Code is hereby repealed.

CHAPTER 18.

An act to add a new chapter to part three title five of the Political Code to be numbered six, embracing sections two thousand three hundred thirty to two thousand three hundred forty-seven, inclusive, relating to the state department of public welfare and its powers and duties, and repealing an act entitled "An act to create a state board of charities and corrections, prescribing its duties and powers, and appropriating money therefor" approved March 25, 1903, as amended; and repealing an act entitled "An act providing for the supervision and control by the state board of charities and corrections of the placing of dependent children in homes and for the supervision of all societies

or organizations engaged in such work and known as 'children's home-finding societies' approved April 24, 1911; and repealing an act entitled "An act to provide for the licensing, inspection and regulation 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, and repealing an act entitled "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 the 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, 1915.

[Approved by the Governor March 27, 1925.]

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

SECTION 1. The Political Code is hereby amended by adding a new chapter to title five, part three, to be numbered chapter six, embracing sections two thousand three hundred thirty to two thousand three hundred forty-seven, inclusive, and to read as follows:

CHAPTER VI.

2330. A department of the government of the State of California to be known as the state department of public welfare is hereby created. The department shall be conducted under the control of an executive board of six members, who shall be appointed by the governor for a term of four years and until their successors are appointed, and qualified, except that members of the state board of charities and corrections at the time this act takes effect shall become members of the board herein provided, to serve for the remainder of their terms. The terms of three members of the board shall expire on February seventeenth of each even-numbered year. Women may be appointed members of said board or hold any position in the appointment of said board. No person shall be appointed a member or continue to act as such, while he is a trustee, manager, director, or other administrative officer of an institution subject to the provisions of this chapter. Appointments to fill vacancies before the expiration of such terms shall be for the residue of terms in the same manner as original appointments. The governor shall be ex officio a member of said board.

2331. The department of public welfare shall succeed to and is hereby invested with all the duties, powers, purposes, responsibilities, and jurisdiction of the state board of charities and corrections, and whenever by the provisions of any statute or law now in force or that may hereafter be enacted a duty or jurisdiction is imposed or authority con-

Department
of public
welfare
created.

Duties,
powers,
etc., of
department.

ferred upon the state board of charities and corrections, such duty, jurisdiction and authority are hereby imposed upon and transferred to the department of public welfare with the same force and effect as though the name of the department of public welfare had been specifically set forth and named therein, in lieu of the name of the state board of charities and corrections. The state board of charities and corrections and the positions of all of the officers, deputies and employces thereunder are and each of them is hereby abolished, but the rules and regulations established thereunder are hereby continued in force. The state department of public welfare shall be in possession and control of all records, books, papers, offices, equipment, supplies, moneys, appropriations, and all other property of the state board of charities and corrections.

Board of
charities and
corrections
abolished.

2332. The members of the executive board of the state department of public welfare shall act without compensation, but shall be allowed their actual necessary expenses. The said board may appoint a secretary who shall be a civil executive officer, and such other employces as it may deem necessary to carry out the provisions of this act, and shall determine their salaries.

Compensa-
tion of
board.

Employee.

The secretary of said board shall execute a bond in the sum of five thousand dollars, and take the oath of office prescribed by the Political Code for the executive officers of this state. The board shall provide itself with an office in the city and county of San Francisco. Meetings of the board may be held at such times and in such places in the State of California as said board may deem fit. It may make such rules and orders for the regulation of its own proceedings as it may deem necessary, and may fix the number of members necessary to constitute a quorum. The failure of a member to attend three consecutive meetings of said board during any calendar year, unless excused by formal vote of the board, may be construed by the governor as a resignation of said nonattending member.

Offce.
Meetings.

2333. The department is hereby authorized and empowered and it shall be its duty as a whole, or by committee, or by its secretary, or other agent, whom it may authorize to investigate, examine, and make reports upon the charitable, correctional, and penal institutions of the state, including the state hospitals for the insane, of the counties, cities and counties, cities, and towns of the state, and such public officers as are in any way responsible for the administration of public funds used for the relief or maintenance of the poor. All the persons or officers in charge of or connected with such public institutions, or with the administration of said funds, are hereby required to furnish to the board or its committee or secretary such information and statistics as they may request or require, and allow said board, committee, or secretary free access to all departments of such

Investigation
of
Institutions.

Records and reports.

institutions and to all of their records. In order to secure accuracy, uniformity, and completeness in such statistics and information, the department may prescribe such forms of report and records to be kept by all persons, associations or institutions subject to the provisions of this chapter, other than those public institutions for which a different form has been or may be prescribed by the department of finance, and it shall be the duty of each of such persons, associations or institutions to keep such records and to render such reports in conformity to the forms so prescribed; *provided, however*, that, so far as the same may be applicable there shall be incorporated in such forms the information and data which is now or may hereafter be required to be contained in the records and reports of the several state hospitals. All plans of new buildings, or parts of buildings for any of the public institutions coming under the provisions of this section, or any additions or alterations in such buildings, shall, before their adoption by the proper officials, be submitted to the board for suggestions and criticism.

Building plans.

Attendance and examination of witnesses.

2334. The board shall have power to issue compulsory process to compel the attendance of any witness before said board or any member thereof, and to require the production of such books or papers relating to any public institution mentioned in the preceding section as they may deem necessary; *provided*, that no witness shall be required to attend before said board out of the county in which he resides. Any member of said board shall have power, and he is hereby authorized to administer an oath to any and all witnesses coming before said board, or any member thereof, for examination, and to examine such witness or witnesses in reference to any matter relating to public institutions mentioned in the preceding section appertaining to the inquiry before the department, or said member. The superior court in and for the county, or city and county, in which any inquiry, investigation or proceeding may be held by the state department of public welfare, shall have 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 state department of public welfare. The court upon petition of the state department of public welfare shall enter an order directing the witnesses 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 state department of public welfare. A copy of such order shall be served upon said witness. If it shall appear to the court that said subpoena was regularly issued by the state department of public welfare, the court shall thereupon enter an order that said witness appear before the state department of public welfare at a time and place to be fixed in such order, and testify or produce the required papers, and upon a failure

to obey said order, said witness shall be dealt with as for contempt of court.

2335. Two months prior to each regular session of the legislature, the department shall make a full and complete report to the governor of all its transactions during the preceding two years, showing fully and in detail all expenses incurred and moneys paid out by it, and giving a list of all officers and agents employed, and the actual condition of all institutions under its supervision, with such suggestions as it may deem necessary and pertinent, and with recommendations for legislative and executive action.

Biennial
report to
governor.

2336. The provisions of this chapter shall not apply to the Veterans' Home of California, located at Yountville, Napa county, nor to the Woman's Relief Corps Home at Evergreen, Santa Clara county.

Institutions
excepted.

2337. No person, association or corporation shall hereafter maintain or conduct in any city, county, or city and county, any institution, boarding house or other place for the reception and care of aged or infirm persons nor engage in the finding of homes for children under sixteen years of age, nor place any child under sixteen years of age in any home, without first obtaining a license or permit therefor in writing from the state department of public welfare or from an inspection service approved or accredited by such state department of public welfare.

Permits
required.

For the purpose of this chapter the term "approved and accredited inspection service" shall be construed to mean the health department of a county or group of counties, city or group of cities, or city and county maintaining a qualified public health service which shall include at least one regularly licensed physician or a qualified social service inspection force which inspection service has been approved in writing by the state department of public welfare of the State of California.

Inspection
service.

2338. The state department of public welfare and all approved and accredited inspection services are hereby authorized to issue permits or licenses to persons, associations or corporations to conduct institutions, boarding homes, or other places for the reception and care of aged and infirm persons or to engage in the finding of homes for children or placing children in homes, and to prescribe the conditions upon which such permits or licenses shall be granted and such rules and regulations as may be deemed best for the government of such institutions, and said inspection service or department is further empowered by one or more of its members, secretary or duly authorized representative, to inspect and report upon conditions prevailing in all such institutions, homes or places.

Issuance of
permits.

Conditions.

Inspections.

2339. A permit or license issued by the state department of public welfare or by an approved or accredited inspection service shall expire twelve months from date of issuance of license, and application for renewal of a permit or license must be filed ten days prior to its expiration each year, otherwise it shall stand as automatically cancelled.

Expiration
and renewal
of permits.

Revocation
of permits.

2340. Permits or licenses may be revoked for cause after a hearing before the state department of public welfare or an approved and accredited inspection service, after written notice of the time and place of such hearing and the charges made against the holder of the permit or license has been duly served on him, not less than ten days prior to the time fixed for such hearing.

Transfer of
license or
change of
location.

2341. No license may be transferred in any case, without the consent of the department, and no change of location of any institution, boarding house or other place for the reception and care of aged or infirm persons may be made without permission from the state department of public welfare or a duly approved and accredited inspection service.

Register,
what to
show.

2342. Every holder of a permit or license must maintain a register setting forth the name of each aged or infirm person, or child under the age of sixteen years, the last previous address, age, nearest of kin, mother's maiden name, person responsible for his care and maintenance, and such other data as may be required by the state department of public welfare, and shall notify within forty-eight hours in writing, the state department of public welfare or the approved and accredited inspection service by which such license or permit was issued of any deaths or changes in the personnel of such home.

Report of
deaths

2343. It shall be the duty of the district attorney of each and every county, upon application of the state department of public welfare or their authorized representatives, or an approved and accredited inspection service, to institute and conduct the prosecution of any action brought for the violation of any of the provisions of this chapter within his county.

Duty of
district
attorney.

Operating
without
permit
a misde-
meanor.

2344. Any person, association or corporation who or which maintains or conducts or assists in maintaining or conducting as manager or officer or in any other executive or administrative capacity an institution, boarding home or other place conducted as a place for the reception and care of aged or infirm persons or engages in finding homes for children under the age of sixteen years, or places or keeps any child under the age of sixteen years in any home without first having obtained a permit or license therefor in writing as provided in section two thousand three hundred thirty-nine of the Political Code is guilty of a misdemeanor.

Forms of
record.

2345. (a) It is hereby made the duty of the state department of public welfare 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 keeping the records of persons received into or discharged from such county hospitals, almshouses, jails and city prisons.

Publication
and sale.

(b) Books of record for the records so prescribed by said state department of public welfare may be printed at the expense of said department and furnished to such county hospitals and almshouses, county jails and city prisons, at the cost thereof.

(c) It shall be the duty of the superintendent in charge of any such hospital or almshouse and the jailer in charge of any such jail or city prison to keep the records prescribed by the state department of public welfare 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.

Failure to
keep records
a misde-
meanor.

(d) It shall also be the duty of the state department of public welfare to prescribe such forms of records as are provided for in section ten of an act entitled "An act to provide for the maintenance and support, in certain cases, of indigent, incompetent, and incapacitated persons, other than persons adjudged insane and confined within the state hospital, becoming a public charge upon the counties or cities and counties within the State of California, and for the payment thereof into a fund for the maintenance and support of such persons," approved March 23, 1901, as amended.

Stats. 1917.
p. 445,
amended.

2346. When a child has been relinquished by its parents or guardians for the purpose of adoption, a copy of the relinquishment must be filed with the state department of public welfare prior to the commencement of any adoption proceedings affecting such child as provided in section two hundred twenty-four of the Civil Code.

Adoption
relinquish-
ments to
be filed.

SEC. 2. An act entitled "An act to create a state board of charities and corrections, prescribing its duties and powers, and appropriating money therefor," approved March 25, 1903, as amended; and an act entitled "An act providing for the supervision and control by the state board of charities and corrections of the placing of dependent children in homes and for the supervision of all societies or organizations engaged in such work and known as 'children's home-finding societies,'" approved April 24, 1911; and an act entitled "An act to provide for the licensing, inspection and regulation 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, and an act entitled "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 the 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, are hereby repealed.

Stats. 1903.
p. 432,
repealed.

Stats. 1911.
p. 1087,
repealed.

Stats. 1913.
p. 73,
repealed.

Stats. 1913.
p. 682,
repealed.

CHAPTER 19.

An act to amend section two thousand one hundred fifty-two of the Political Code, relating to the appointment, qualifications and removal of medical superintendents of state hospitals.

[Approved by the Governor March 27, 1925.]

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

Appointment
of medical
superin-
tendents.

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

2152. The director of institutions must appoint for the hospitals under his control, as often as vacancies may occur therein, a medical superintendent, who must be a graduate of an incorporated medical college, and a well educated physician, of good moral character, who has had not less than three years' experience in the care and treatment of the insane. The appointment of any person as medical superintendent shall not be effective for any purpose unless such person has passed, or shall pass, an examination touching his qualifications in all the different branches of medicine and surgery, and especially in diseases affecting the mind and nervous system. The questions for such examination shall be prepared by such medical superintendents as may be designated by the director of institutions, subject to the approval of the director. Such examination shall be conducted by the director or by such medical superintendents of the hospitals as may be named by the director for that purpose. An examination shall not be required of any medical superintendent or assistant physician now in office in any state hospital. Any medical superintendent may be removed for cause; such cause must be stated in writing and served upon the official charged. He must thereafter be given an opportunity to be heard, and if removed upon such hearing, his removal is final.

Exami-
nations.

Removals.

CHAPTER 20.

An act to repeal section two thousand one hundred eighty-four of the Political Code, relating to the commitment of insane persons to the Southern California State Hospital.

[Approved by the Governor March 27, 1925.]

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

Repealed.

SECTION 1. Section two thousand one hundred eighty-four of the Political Code is hereby repealed.

CHAPTER 21.

An act to amend section two thousand one hundred fifty-three a of the Political Code, relating to the duties of medical superintendents of state hospitals.

[Approved by the Governor March 27, 1925.]

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

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

2153a. The medical superintendent of each hospital must appoint, by and with the consent of the board of managers:

Appoint-
ments by
medical
superin-
tendents.

1. A supervisor, matron, and steward, and all employees, none of whom must be his relatives, or that of any member of the board of managers, either by consanguinity or marriage, who shall be subject to such examination as he deems for the best interest of the hospital, the questions to be prepared by the general superintendent, subject to the approval of the commission;

2. Such assistant physicians and internes as may be determined by the commission. Such assistant physicians and internes must be graduates of incorporated medical colleges, well educated in their profession, who have received a certificate from the state board of medical examiners, and of good moral character;

3. Where there are first and second assistant physicians, the first assistant physician must have had two years' actual experience, and the second assistant physician one year's actual experience in the care and treatment of the insane;

4. From and after the first day of July, A. D. 1905, whenever an additional assistant physician is appointed in any state hospital for the care and treatment of the insane or the Sonoma State Home, the appointment of such additional assistant shall be so made that at least one physician in each of said state hospitals and said home shall be a woman;

Women
physicians.

5. No appointment of any person as first, second, or other assistant physician or interne shall be effective for any purpose unless such person shall pass or has passed an examination touching his qualifications for such position in all the different branches of medicine and surgery, and especially of diseases affecting the mind and nervous system. Such examination shall be conducted by the medical superintendent on questions prepared by the general superintendent and by such medical superintendents as may be designated by the commission, subject to the approval of the commission. The passing of an examination for a given position in any state hospital shall qualify any person for a similar position in any other state hospital;

Exami-
nations.

6. The medical superintendent must: Give such orders and instructions as he may deem best calculated to insure good

Orders.

conduct, fidelity, and economy in every department of labor and expenses;

Discipline.

7. Maintain salutary discipline among all who are employed in the institution, and enforce strict compliance with his instructions and uniform obedience to all rules and regulations of the hospital.

Records.

8. Cause full and fair accounts and records of the entire business and operations of the hospital to be kept regularly, from day to day, in books or form provided for that purpose.

9. See that all such accounts and records are fully up to the last day of June in each year, and that the principal facts and results, with his report thereon, are presented to the managers within thirty days thereafter, who must incorporate them in their report to the commission.

10. Keep a book, in which he must cause to be entered at the time of reception of any patient, his name, residence, and occupation, and the date of such reception, by whom brought and by what authority, and on whose petition committed, and an abstract of all orders, warrants, requests, petitions, certificates, and other papers accompanying such person.

Finances.

11. To prepare and keep the pay rolls of the hospital, and collect all moneys; keep the accounts for the support of the patients, and expenses incurred in their behalf; furnish the treasurer statements thereof as they fall due; turn all moneys collected over to the treasurer, and report same to the board of managers at each meeting; notify the treasurer of the death or discharge of reimbursing or pay patients, within five days after such death or discharge.

CHAPTER 22.

An act to amend section eight hundred forty-six of the Code of Civil Procedure, relating to alias summons.

[Approved by the Governor March 27, 1925.]

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

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

Alias
summons.

846. If the summons is returned without being served upon any or all of the defendants, or if it has been lost, the justice, upon the demand of the plaintiff, may issue an alias summons, in the same form as the original, except that he may fix the time for the appearance of the defendant at a period not to exceed ninety days from its date.

CHAPTER 23.

An act to amend section four thousand two hundred eighty-four of the Political Code, relating to the salaries of county officers of counties of the fifty-fifth class.

[Approved by the Governor March 27, 1925.]

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

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

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, fees and expenses, to wit:

- | | |
|---|------------------------|
| 1. The county clerk, two thousand dollars per annum. | Clerk. |
| 2. The sheriff, three thousand dollars per annum. | Sheriff. |
| 3. The recorder, one thousand dollars per annum. | Recorder. |
| 4. The auditor, one thousand dollars per annum. | Auditor. |
| 5. The treasurer, one thousand five hundred dollars per annum; <i>provided</i> , 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, one thousand two hundred dollars per annum. | Tax collector. |
| 7. The assessor, three thousand dollars per annum; <i>provided</i> , 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, road and hospital taxes, shall be paid into the county treasury. | Assessor. |
| 8. The district attorney, one thousand five hundred dollars per annum. | Attorney. |
| 9. The coroner, such fees as are now or may be hereafter allowed by law. | Coroner. |
| 10. The public administrator, such fees as are now or may be hereafter allowed by law. | Public administrator. |
| 11. The superintendent of schools, one thousand two hundred dollars per annum which said sum of one thousand two hundred dollars shall also be in full payment of the services of such superintendent of schools upon the board of education. | Supt. of schools. |
| 12. The surveyor, such fees as are now or may be hereafter allowed by law. | Surveyor. |
| 13. In counties of this class the justices of the peace shall receive the following compensation, to wit: | Justices of the peace. |
| (a) In townships having a population of one thousand or over, twenty dollars per month; | |
| (b) In townships having a population of less than one thousand, ten dollars per month; <i>provided, however</i> , that the justice of the peace residing at the county seat shall receive twenty dollars per month, even when presiding as justice of the peace in townships having less than a population of one thousand. | |

The above named salaries shall be in full compensation for all services of said justices of the peace in criminal and civil cases, and when acting as coroner said justices of the peace shall be allowed and paid actual expenses, which expenses shall be audited and allowed by the board of supervisors and paid out of the county treasury. The above compensation shall be in lieu of all other fees received for services and said fees shall be accounted for to the auditor and paid into the county treasury.

The salaries of justices of the peace as herein provided for shall be paid in the same manner, at the same time, and out of the same funds as 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 ten.

Constables. 14. In counties of this class the constables shall receive the following compensation, to wit:

(a) In townships having a population of one thousand or over, twenty dollars per month;

(b) In townships having a population of less than one thousand, ten dollars per month, together with such fees as may be now or hereafter allowed for mileage for serving papers.

The salaries of the constables as herein provided for shall be paid in the same manner, at the same time, and out of the same funds as county officers are paid.

15. Each member of the board of supervisors, nine hundred dollars per annum; mileage from residence to county seat at each sitting of the board, twenty cents per mile.

Jurors. 16. 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 24.

An act to amend section four thousand two hundred seventy-five of the Political Code, relating to the salaries, fees and expenses of officers in counties of the forty-sixth class.

[Approved by the Governor March 28, 1925.]

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

SECTION 1. Section four thousand two hundred 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, fees and expenses, to wit:

Counties of 46th class: salaries and fees of officers.

1. The county clerk, three thousand six hundred dollars per annum, and during each year in which a general election is held throughout the state he shall in addition to said salary receive each month for the months of August, September, October and November, one hundred dollars, and the same shall be so paid from the same fund as other salaries are paid.

Clerk.

2. The sheriff, four thousand five hundred dollars per annum, and the fees, mileage and commissions for the service of all papers issued by any court of the state outside of this 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.

Sheriff.

3. The recorder, three thousand dollars per annum; *provided*, that said recorder shall collect and pay into the county treasury for the use and benefit of the county all fees required by law to be collected by him.

Recorder.

4. The auditor, one thousand eight hundred dollars per annum.

Auditor.

5. The treasurer, two thousand four hundred dollars per annum.

Treasurer.

6. The tax collector, two thousand seven hundred fifty dollars per annum, which shall be in full for all services as tax collector and as license collector. Also that in counties of this class, the tax collector may appoint a stenographer or clerk who shall receive a salary not exceeding five dollars per day for a period not exceeding one hundred twenty days in any one year.

Tax collector.

7. The assessor, three thousand dollars per annum; *provided*, that in counties of this class there shall be one deputy assessor, who shall be appointed by the assessor of said county, whose salary is hereby fixed at the sum of one hundred dollars per month; which said salary shall be paid by said county at the time and in the same manner and out of the same fund as is the salary of the assessor; *and provided, further*, that in counties of this class there shall be one deputy assessor, who shall be appointed by the assessor of said county and who shall hold office from twelve o'clock meridian of the first

Assessor.

Monday of March of each year up to twelve o'clock meridian of the first Monday of July of each year. The salary of said last mentioned deputy assessor herein provided for is hereby fixed at the sum of one hundred dollars per month during which months he shall hold office as herein provided; which said salary shall be paid by said county at the time and in the same manner and out of the same fund as is the salary of the assessor.

Attorney. 8. The district attorney, two thousand dollars per annum; *provided*, that in counties of this class the district attorney may appoint a stenographer or clerk who shall receive a salary of one thousand two 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 is the salary of the district attorney.

Coroner. 9. The coroner, nine hundred dollars per annum.

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

Supt. of schools. 11. The superintendent of schools, two thousand four hundred dollars per annum, and actual traveling expenses while visiting the schools of his county, he to devote all of his time to the duties of his office.

Librarian. 11½. The county librarian, one thousand eight hundred dollars per annum.

Surveyor. 12. The surveyor, such fees as are now or may be hereafter allowed by law; *provided*, he shall be given all work for the county in which the county employs a surveyor or civil engineer; *and provided, further*, that it shall be the duty of the board of supervisors of counties of this class to so employ him.

Supervisors. 13. Supervisors, each the sum of one thousand two hundred dollars per annum for all services performed by them, as supervisors, and members of the board of equalization and road commissioners: *provided*, that each supervisor shall receive ten cents for each mile traveled by that ordinary route, in going from his residence to the county seat and returning, once during each month; and that supervisors in counties of this class be allowed their traveling expenses in viewing and laying out roads and bridges and in attending to such other duties within their county as required by law.

Classification of townships. 14. 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 federal census of one thousand nine hundred ten; townships having a population of two thousand four hundred and over four thousand shall be classified as townships of the first class, and townships having a population of less than two thousand four hundred shall belong to and be known as townships of the second class.

Justices of the peace. 15. In townships of the first class, justices of the peace shall receive ninety-six dollars per month to be paid each month out of the same fund and at the same time as the county

officers are paid, and which sum shall be in full compensation for all services rendered by them.

In townships of the second class, justices of the peace shall receive ninety dollars per month to be paid each month out of the same fund and at the same time as the county officers are paid and which sum shall be in full compensation for all services rendered by them.

16. Constables in counties of this class shall receive the following monthly salaries to be paid each month out of the same fund and at the same time as the county officers are paid, which sum shall be in full compensation for all services rendered by them in criminal cases, the same to include all costs of transportation of all prisoners within the county, to wit: Constables in townships of the first class shall receive a monthly salary of ninety dollars per month, and constables of townships of the second class shall receive a monthly salary of seventy-two dollars per month; *provided, further*, that the constables in the respective townships be allowed mileage at the rate of twenty-five cents per mile in the services of all papers pertaining to criminal cases, but shall not be allowed any sum for any other expenses. Constables.

17. 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, such fees as are now or may be hereafter provided by law; and compensation for per diem and transcription in criminal cases to be audited and allowed upon a written order of the court, 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. Reporter.

18. In counties of this class, grand jurors and jurors in the superior court in criminal and civil cases shall be paid three dollars per day for each day's attendance, and for each mile actually traveled in attending court as such juror under summons or under order of court, in going only, twenty-five cents; and in criminal cases, the county clerk shall certify to the auditor the number of days attendance and the number of miles traveled by each such juror, and the auditor shall then draw his warrant for the fees and mileage due such juror, and the treasurer shall pay the same. Jurors.

19. In counties of this class, witnesses, when legally required to attend upon the superior court, in criminal cases, shall be paid two dollars per day for each day's actual attendance, and twenty-five cents per mile for each mile actually traveled, in going only; and in criminal cases the county clerk shall certify to the auditor the number of days attendance and the number of miles traveled by each such witness, and the auditor shall then draw his warrant for the fees and mileage due such witness, and the treasurer shall pay the same. Witnesses.

CHAPTER 25.

An act to amend section four thousand two hundred fifty-nine of the Political Code, relating to the salaries, fees and expenses of officers, in counties of the thirtieth class.

[Approved by the Governor March 28, 1925.]

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

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

4259. In counties of the thirtieth class the officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries, fees and expenses to wit:

Counties of
30th class;
salaries and
fees of
officers.

Clerk.

1. The county clerk, three thousand six hundred dollars per annum, and such fees and commissions as are now or may hereafter be allowed by law for issuing hunting and fishing licenses and for naturalization of citizens; *and provided*, that in counties of this class, there shall be and is hereby allowed to the county clerk one deputy to be appointed by said county clerk who shall be paid a salary of two thousand one hundred dollars per annum, one deputy to be appointed by said county clerk who shall be paid a salary of one thousand eight hundred dollars per annum, and one deputy (who shall be a stenographer) to be appointed by said county clerk who shall be paid a salary of one thousand five hundred dollars per annum, which salary of said deputies herein provided for shall be paid out of the same fund, at the same time, and in the same manner as the salaries of other county officers are paid; *provided, further*, that in any year when a new and complete registration of voters, or a supplemental 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 for each elector registered by such deputy, 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; *provided, further*, that in any year when a general election, primary election, special state election, special county election, or special district election ordered by the board of supervisors, is held, there shall be allowed to said county clerk such number of assistants as is necessary to properly prepare for and conduct any of said elections and which said assistants shall be paid out of the general fund of the county on the presentation and filing with the board of supervisors duly verified claims therefor approved by said county clerk.

Sheriff.

2. The sheriff, three thousand five hundred dollars per annum, and such fees and commissions as are now or may hereafter be allowed by law, and his actual traveling expenses;

and, provided, that in counties of this class there shall be and is hereby created the office of undersheriff, to be appointed by the sheriff, who shall be paid a salary of two thousand dollars per annum; also one deputy, to be appointed by the sheriff, who shall be paid a salary of one thousand six hundred eighty dollars per annum, and also one deputy, to be appointed by the sheriff, who shall be paid a salary of one thousand six hundred eighty dollars per annum, which salaries of said undersheriff and said deputy sheriffs herein provided for, shall be paid out of the same fund and in the same manner and at the same time as the salaries of other county officers are paid.

3. The recorder, two thousand dollars per annum and six cents for each folio recorded. Recorder.

4. The auditor shall receive as compensation for the services required of him by law, or by virtue of his office, three thousand dollars per annum. The auditor may appoint one deputy, which office of deputy auditor is hereby created, one to receive a salary of one thousand eight hundred dollars per annum, and one to receive a salary of one thousand five hundred dollars per annum, payable at the same time, out of the same funds, and in the same manner as the salaries of other county officers are paid; *provided, further,* that in counties of this class there shall be, and there is hereby allowed the auditor such additional assistants as may be required and whose compensation in the aggregate shall not exceed one thousand two hundred dollars in any one fiscal year. Auditor.

It is hereby found as a fact that the changes provided for in this subdivision do not work an increase in the compensation for the services required by the auditor by law, or by virtue of his office, and it is intended hereby that the same shall apply immediately to the present incumbents.

5. The treasurer, two thousand seven hundred dollars per annum. Treasurer.

6. The tax collector shall receive as compensation for the services required of him by law, or by virtue of his office, three thousand dollars per annum. The tax collector may appoint one deputy, which office of deputy tax collector is hereby created, who shall receive a salary of one thousand five hundred dollars per annum, payable at the same time, out of the same funds, and in the same manner as the salaries of other county officers are paid; *and provided, further,* that in counties of this class there shall be and hereby is allowed to the tax collector such additional assistants as may be required and whose compensation in the aggregate shall not exceed one thousand two hundred dollars in any one fiscal year. It is hereby found as a fact that the changes provided for in this subdivision do not work an increase in the compensation for the services required by the tax collector by law, or by virtue of his office, and it is intended hereby that the same shall apply immediately to the present incumbent. Tax collector.

Assessor.

7. The assessor, four thousand dollars per annum, and such fees and commissions as are now or may hereafter be allowed by law; *and provided*, that in counties of this class there shall be and there is hereby allowed the assessor a deputy, who shall be appointed by said assessor and who shall receive a salary of one thousand eight hundred dollars per annum, payable out of the same fund and in the same manner as the salaries of county officers are paid; *provided, further*, that in counties of this class there shall be and there is hereby allowed the assessor, two copyists for a period not exceeding four months in any one year, at a salary of sixty dollars each per month.

Attorney.

8. The district attorney, two thousand seven hundred fifty dollars per annum; he may also appoint an assistant district attorney, which office is hereby created, whose salary shall be one thousand six hundred dollars per annum; and in counties of this class he may also appoint a clerk, who shall be a stenographer, which office clerk to the district attorney is hereby created, whose salary shall be one thousand two hundred dollars per annum; the salaries of said assistant district attorney and clerk shall be payable as the salaries of other county officers.

Coroner.

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

Public
adminis-
trator.

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

Supt. of
schools.

11. The superintendent of schools, two thousand dollars per annum until the first Monday in January, 1923, from and after which date the superintendent of schools shall receive as compensation for the services required of him by law, or by virtue of his office, three thousand dollars per annum. The superintendent of schools shall be allowed his actual traveling expenses when visiting the schools of his county, and may appoint a deputy superintendent with a salary of one thousand six hundred eighty dollars per annum, payable at the same time, out of the same funds, and in the same manner as the salaries of other county officers are paid.

Surveyor.

12. The surveyor, one thousand five 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.

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 five thousand, two hundred dollars per month; in townships having a population of more than seventeen hundred and less than five thousand, one hundred twenty-five dollars per month; in townships having a population of more than one thousand five hundred and less than seventeen hundred, seventy-five dollars per month; in townships having a population of more than one thousand and less than fifteen hundred, fifty dollars per month; in townships having a population of less than one thousand, thirty-five 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 two thousand five hundred or more, an office suitable for use as a courtroom, 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 amendment thereto, and all necessary stationery, legal blanks and forms for the proper and convenient conduct of business.

14. The constables shall receive the following salaries to be paid each month as salaries of the county officers are paid, which shall be in full for all services rendered by them in criminal cases, and in all other criminal matters: In townships having a population of more than five thousand, one hundred fifty-five dollars per month; in townships having a population of more than seventeen hundred and less than five thousand, one hundred twenty-five dollars per month; in townships having a population of more than fifteen hundred and less than seventeen hundred, seventy-five dollars per month; in townships having a population of more than one thousand and less than fifteen hundred, fifty dollars per month; in townships having a population of less than one thousand, thirty-five dollars per month; *provided*, that each constable shall be allowed and 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, twenty cents per mile; and shall also be allowed and paid mileage at the rate of twenty cents per mile for every mile actually traveled within his county, both going and returning, in making an arrest or conveying prisoners to prison or to court, and also all other necessary expenses incurred in the performance of any of his duties other than in civil cases; said mileage and other expenses shall be audited and allowed by the board of supervisors and paid out of the county treasury. 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, and shall also be allowed mileage at the rate of fifteen cents per mile for every mile actually traveled within his county.

Supervisors. 15. Each member of the board of supervisors, one thousand two hundred dollars per annum, payable in monthly installments, and for serving as road commissioner two hundred dollars per annum; also each shall be allowed paid his actual necessary traveling expenses incurred by him while engaged in the county business outside of his district whether within or without the boundaries of his county, also his actual necessary expenses in attending the annual state convention of members of county boards of supervisors; *provided*, that the expense of each member attending such convention shall not exceed forty dollars in any one year; also each supervisor shall be allowed and paid his traveling expenses, while supervising the roads of his district, at the rate of twenty cents per mile for each mile so traveled; *provided*, that the amount so allowed and paid shall not exceed the sum of seventy-five dollars in any one month.

Reporter. 16. In counties of this class the official phonographic reporter of the superior court shall receive as compensation for his services the fees and compensation now or hereafter provided by law, and in addition thereto shall receive five dollars per day when not actually engaged in reporting in said court, but when in attendance on said court in compliance with and as provided by section two hundred seventy-one of the Code of Civil Procedure, the said per diem of five dollars to be paid in the same manner as provided in criminal cases.

Jurors. 17. Grand and trial jurors in the superior court shall receive for each day's attendance per day the sum of three dollars. In justices' courts in civil cases the jurors sworn to try the cases shall receive for each day's attendance per day the sum of two dollars. All jurors shall receive for each mile actually and necessarily traveled from their residence to the place of service the sum of ten cents per mile; *provided*, that in the justices' courts mileage shall be allowed only to those sworn to try the case.

Witnesses. 18. Witnesses subpoenaed in criminal cases and in cases of dependent and delinquent persons shall receive two dollars per day and ten cents per mile for every mile actually traveled. 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.

CHAPTER 26.

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

[Approved by the Governor March 28, 1925.]

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

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

4271. In counties of the forty-second 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 of
42d class:
salaries and
fees 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 the county clerk, one deputy clerk, who shall be appointed by the county clerk, and shall be paid salary as follows: The sum of one thousand dollars per annum, which shall be paid by the 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; *provided*, that the county clerk 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 in all places in said county other than at the county seat shall receive as compensation for their services the sum of eight cents per name for each and every voter registered by them, said compensation to be paid out of the general fund of the county on the presentation or filing with the board of supervisors of the county a duly verified claim therefor, approved by the county clerk.

Clerk.

2. The recorder shall receive a salary of one thousand five hundred dollars per annum, and in addition to his salary, fifty per cent of all fees collected by him as such recorder.

Recorder.

3. The sheriff shall receive 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 this county, also his traveling expenses in the execution of a warrant outside of his county issued by a magistrate or a court of his county; *provided*, that in counties of this class the sheriff is allowed one office deputy and two outside deputies, who shall be appointed by the sheriff, and who shall each receive a salary of one thousand eight hundred 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 funds as the salary of the sheriff is paid.

Sheriff.

4. The auditor, two thousand four hundred dollars per annum; *provided*, that in counties of this class the auditor is hereby allowed one deputy, who shall be appointed by the

Auditor.

auditor, and who shall receive a salary of nine hundred 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 auditor is paid.

Treasurer.

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

Tax collector.

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

Assessor.

7. The assessor, three thousand dollars per annum.

Attorney.

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

Coroner.

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

Public administrator.

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

Supt of schools.

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

Surveyor.

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 by 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 townships having a population of two thousand five hundred or more, one hundred twenty-five dollars per month; in townships having a population of less than two thousand five hundred and more than nine hundred, seventy-five dollars per month; in townships having a population of less than nine hundred and

one and more than five hundred, fifty dollars per month; in townships having a population of less than five hundred and one, thirty dollars per month; *provided*, that in townships having a population of two thousand five hundred or more, justices of the peace shall be paid their necessary traveling expenses in the performance of their official duties; *and provided*, that in townships having a population of two thousand five hundred or more, the board of supervisors shall furnish and maintain at the expense of the county suitable offices for the justices thereof. All fees collected by the justices of the peace shall be paid into the county treasury at the end of each month.

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; also their necessary traveling expenses incurred while in the performance of their official duties, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than two thousand five hundred, one hundred dollars per month; and in townships having a population of less than two thousand five hundred and more than nine hundred, seventy-five dollars per month; in townships having a population 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 constable shall receive and retain for his own use such fees as now or may hereafter be allowed by law for all services performed by him in civil actions; *provided, however*, in counties of this class constables are required to devote all of their time to the duties of their office.

15. Supervisors shall receive one hundred twenty-five dol- Supervisors.
lars per month, and 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 commissioner or supervisor, not exceeding in the aggregate two hundred fifty dollars per annum. Supervisors shall also receive their necessary expenses when the performance of duty as supervisor or road commissioner takes them out of the county.

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

17. Assistants to surveyor. The board of supervisors in Surveyor's
assistants.
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 and their actual necessary traveling expenses while in the field; such compensation and expenses to be allowed and paid as county charges.

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

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

Effect on incumbents. 20. The following provisions of this act, in relation to compensation, deputies, fees and expenses, to wit: subdivisions three, four, eight and thirteen, respectively, are intended to affect present incumbents and shall take effect and be in force ninety days after the final adjournment of the legislature.

CHAPTER 27.

An act to amend section nineteen x five of the "juvenile court act," approved June 5, 1915, as amended, relating to the salaries of probation officers of counties of the fifth class.

[Approved by the Governor March 30, 1925.]

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

**Stats. 1921,
p. 1325,
amended.**

SECTION 1. Section nineteen x five of the "juvenile court act," approved June 5, 1915, as amended, is hereby amended to read as follows:

**Counties of
5th class:
salaries of
probation
officers.**

19x5. In counties of the fifth class there shall be one probation officer and six assistant probation officers.

The salaries of said officers shall be as follows:

Probation officer, two thousand seven hundred dollars per annum; and each of said assistant probation officers, two thousand one hundred dollars per annum.

The said probation officer is hereby allowed one stenographer at a salary of one thousand five hundred dollars per annum, and one clerk whose salary shall be one thousand two hundred dollars per annum.

CHAPTER 28.

An act to amend section four thousand two hundred sixty-five of the Political Code, relating to the salaries, expenses, and compensation of county officers in counties of the thirty-sixth class.

[Approved by the Governor March 30, 1925.]

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

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

**Counties of
36th class:
salaries and
fees of
officers.**

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:

**Clerk and
recorder.**

1. County clerk and recorder, two thousand four hundred dollars per annum; *provided*, that in counties of this class, there shall be and there hereby is allowed to the county clerk

and recorder one chief deputy who shall receive a salary of one thousand eight hundred dollars per annum, one deputy who shall receive a salary of one thousand two hundred dollars per annum, and one deputy who shall receive a salary of nine hundred dollars per annum, and in each year in which a new and complete registration of voters is required by law, he shall appoint as many deputy registration clerks as may be necessary for the convenient registration of the voters of the county, which deputy registration clerks shall receive as compensation for their services a sum of ten cents per name for each and every voter registered by them.

2. Sheriff, two thousand four hundred dollars per annum; *provided*, that in counties of this class, there shall be and hereby is allowed to the sheriff, one undersheriff, whose salary is hereby fixed at the sum of one thousand eight hundred dollars per annum; one deputy whose salary shall be one thousand five hundred dollars per annum; and a jailer, which office is hereby created, whose salary is hereby fixed at the sum of one thousand two hundred dollars per annum. The sheriff also may appoint not to exceed three deputies at a salary of fifty dollars per month each, subject to the approval of the board of supervisors. Sheriff.

3. Auditor, two thousand dollars per annum; *provided*, that there is hereby allowed to the auditor one deputy who shall receive a salary of one thousand five hundred dollars per annum, and one additional deputy for not more than two months in each year who shall receive one hundred dollars per month. The sum of not to exceed one hundred sixty-five dollars per annum is appropriated for the use of the auditor in publishing an annual financial statement of the financial transactions of the county. Auditor.

4. Treasurer and tax collector, two thousand dollars per annum; one deputy at a salary of one thousand five hundred dollars per annum; one deputy at a salary of nine hundred dollars per annum; additional deputies at a salary of seventy-five dollars per month, not to exceed in the aggregate seven hundred fifty dollars in any year. Treasurer and tax collector.

5. Assessor, two thousand dollars per annum; one deputy at a salary of one thousand eight hundred dollars per annum; one deputy for six months in each year at a salary of one hundred fifty dollars per month; two field deputies each for four months in each year at salaries of one hundred fifty dollars per month each, and their traveling expenses, and one deputy for not to exceed three months in each year at a salary of one hundred twenty-five dollars per month. Assessor.

6. District attorney, one thousand five hundred dollars per annum; one deputy at a salary of nine hundred dollars per annum; one stenographer at a salary of one thousand twenty dollars per annum. Attorney.

7. Coroner, such fees as are now or may be hereafter allowed by law. Coroner.

Public
adminis-
trator.
Supt of
schools.

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

9. Superintendent of schools, one thousand eight hundred dollars per annum; one deputy at a salary of one thousand two hundred dollars per annum.

Surveyor.

10. Surveyor, two thousand dollars per annum. The surveyor shall be entitled to receive all necessary expenses while engaged in doing county work outside of his office. The surveyor shall be allowed such assistants as he may need at a compensation not to exceed nine hundred dollars per annum.

Justices of
the peace.

11. Justices of the peace shall each receive the following monthly salaries, to be paid each month, and in the same manner and out of the same funds as county officers, are paid, which shall be in full for all services performed by them in their official capacities:

In townships having a population of five thousand or more, fifty dollars per month;

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

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

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

In townships having a population of less than two thousand, ten dollars per month.

Constables.

12. Constables shall each receive the following monthly salaries, to be paid each month, and in the same manner and out of the same funds as county officers, are paid, which shall be in full for all services performed by them in their official capacities:

In townships having a population of five thousand or more, fifty dollars per month;

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

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

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

In townships having a population of less than two thousand, ten dollars per month.

Population
of townships.

13. For the purpose of fixing the salaries of justices of the peace and of the constables the population of the several judicial townships of the county shall be ascertained as follows:

By multiplying the registered vote in each township as shown by the great register for the last preceding presidential election by two and one-half.

Supervisors.

14. The salary of each supervisor as supervisor and road commissioner, shall be five dollars per day. The supervisors shall receive as mileage, fifteen cents per mile for one way from the place of residence to the place of meeting for each regular session of the board of supervisors.

15. The salary of the horticultural commissioner as horticultural commissioner shall be two thousand four hundred dollars per annum and his necessary traveling expenses; *provided*, that there shall be and there is hereby allowed to said commissioner the following inspectors, to be appointed by said commissioner, which positions are hereby created and the salaries are hereby fixed as follows, to wit:

Horticultural commissioner

Three inspectors at the compensation of four and fifty one-hundredths dollars per diem each, during the time actually employed, and their necessary traveling expenses, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed the sum of two thousand dollars.

16. The salary of the county physician as county physician and health officer shall be one hundred dollars per month in full for all services and personal expenses incurred.

Physician.

17. Probation officer, one thousand two hundred dollars per annum, and he shall be allowed such necessary and incidental expenses incurred in the performance of his duties as are required by any laws of the State of California and may be authorized by the judge of the juvenile court, and the same shall be a charge upon the county, and said expense shall be paid out of the county treasury upon the written order of the judge of the juvenile court, directing the county auditor to draw his warrant on the county treasurer for the specific amount of such expenses. The probation officer shall keep a list of expenses and file a copy monthly with the county board of supervisors.

Probation officer.

18. The fees of grand jurors and trial jurors in the superior court shall be three dollars per day for each day's attendance and mileage, to be computed at the rate of fifteen cents per mile for each mile necessarily traveled in attending court, in going only. In criminal cases such fees and mileage of said trial jurors in the superior court shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor on the written order of the judge of the court in which the juror was in attendance, and the treasurer of said county shall pay such warrants.

Jurors.

19. The provisions of this act in relation to compensation, deputies, fees and expenses, are hereby found as a fact to work no increase in the compensation of county officers, and shall apply to the present incumbents.

Effect on incumbents.

CHAPTER 29.

An act providing for the time of completion of toll-bridges over navigable waters within the State of California.

[Approved by the Governor March 30, 1925.]

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

Time of
completion
of toll-
bridges.

SECTION 1. The provisions of the statutes or codes of this state relating to the time of completion of toll-bridges shall not be deemed to apply to any toll-bridges over or across navigable waters within this state; but any toll-bridge over such navigable waters may be completed within such time or times, after authority to construct the same has been obtained, as the county board of supervisors which has granted, or may hereafter grant such authority, may from time to time, by order, allow; *provided, however*, that the total time allowed by any such board of supervisors for the construction of any such bridge shall not exceed the period of seven years from and after the time that authority to construct such bridge was first granted by such board of supervisors, except that such board of supervisors may from time to time by order extend the time of completion beyond seven years, provided that the actual and physical work of constructing such bridge has been diligently prosecuted from the time of commencement thereof up to the time that application for such extension or extensions beyond said seven years is presented to such board of supervisors.

SEC. 2. All acts and parts of acts in conflict with the provisions of section one of this act are hereby repealed.

CHAPTER 30.

An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of section thirty-four of article four of the constitution of the State of California, approved and adopted by the people at the general election held November 7, 1922.

[Approved by the Governor March 31, 1925.]

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

General
appropriations.

SECTION 1. The following sums of money are hereby appropriated out of any money in the state treasury not otherwise appropriated, and shall be used for the support of the State of California for the seventy-seventh and seventy-eighth fiscal years. In all cases in which statutory provisions or appropriations have been made for items of salary or of support included in this act the amounts herein appropriated shall govern, and such other appropriations shall not be deemed in addition hereto. Appropriations for purposes not otherwise provided for herein which have been heretofore made by

any provision of the constitution or of any existing statute shall not be affected by this act but shall continue to be governed by the constitutional or statutory provisions applicable thereto.

LEGISLATIVE.

For salaries of senators, ninety-six thousand dollars Legislature.
(\$96,000).

For mileage of lieutenant governor and senators, two thousand two hundred dollars (\$2,200).

For pay of officers, clerks and all other employees of senate, thirty thousand dollars (\$30,000).

For contingent expenses of senate, fourteen thousand dollars (\$14,000).

For salaries of assemblymen, one hundred ninety-two thousand dollars (\$192,000).

For mileage of assemblymen, three thousand eight hundred dollars (\$3,800).

For pay of officers, clerks and all other employees of assembly, thirty thousand dollars (\$30,000).

For printing, binding and all other work performed and materials furnished by the division of printing of the department of finance to the legislature, one hundred forty-five thousand eight hundred seventy-five dollars (\$145,875).

For legislative mailing, three thousand dollars (\$3,000).

For salaries legislative counsel bureau, twenty thousand two hundred thirty-six dollars (\$20,236). Legislative counsel bureau.

For support legislative counsel bureau two thousand six hundred thirty dollars (\$2,630).

For contingent expenses of assembly, sixteen thousand dollars (\$16,000).

JUDICIAL.

For salaries of supreme court, two hundred forty-seven thousand eight hundred eighty dollars (\$247,880). Judicial department.

For support of supreme court, twenty-three thousand six hundred dollars (\$23,600).

For salaries of first district court of appeal, one hundred thirty-eight thousand two hundred dollars (\$138,200).

For support of first district court of appeal, nine thousand four hundred dollars (\$9,400).

For salaries of second district court of appeal, one hundred thirty-six thousand seven hundred sixty dollars (\$136,760).

For support second district court of appeal, eight thousand thirty dollars (\$8,030).

For salaries of third district court of appeal, seventy-three thousand seven hundred twenty-five dollars (\$73,725).

For support of third district court of appeal, five thousand six hundred dollars (\$5,600).

For state's portion of salaries of judges of superior courts, seven hundred thirty-one thousand four hundred thirty-six and fifty one-hundredths dollars (\$731,436.50).

EXECUTIVE.

Executive
department.

For salaries of governor, his secretaries and employees, forty-four thousand two hundred dollars (\$44,200).

For postage, etc., traveling and contingent expenses, governor's office (exempt from section six hundred seventy-two of the Political Code), eighteen thousand four hundred dollars (\$18,400).

For special contingent expenses (secret service) governor's office (exempt from provisions of section four hundred thirty-three and six hundred seventy-two of the Political Code), ten thousand dollars (\$10,000).

For printing, etc., governor's office, one thousand five hundred dollars (\$1,500).

For support of governor's residence (exempt from sections four hundred thirty-three and six hundred seventy-two of Political Code), seventeen thousand five hundred dollars (\$17,500).

For salary of lieutenant governor, eight thousand dollars (\$8,000).

ADMINISTRATIVE.

Finance,
department
of.

For salaries of the department of finance, exclusive of the divisions of printing, motor vehicles and libraries thereof, five hundred sixty thousand ninety-six dollars (\$560,096).

For support of the department of finance, exclusive of the division of printing, motor vehicles and libraries thereof, one hundred twenty-one thousand two hundred twenty-eight dollars (\$121,228).

Civil service
commission.

For salaries of civil service commission, sixty thousand eight hundred twenty dollars (\$60,820).

For support of civil service commission, seventeen thousand seven hundred dollars (\$17,700).

Secretary
of state.

For salaries of secretary of state, one hundred eight thousand nine hundred dollars (\$108,900).

For support of secretary of state, sixty-three thousand seven hundred fifty dollars (\$63,750).

Treasurer.

For salaries of state treasurer, fifty-five thousand three hundred sixty dollars (\$55,360).

For support of state treasurer, seven thousand nine hundred sixty dollars (\$7,960).

Controller.

For salaries of state controller, two hundred seven thousand five hundred sixty dollars (\$207,560).

For support of state controller, sixty-seven thousand four hundred fifty dollars (\$67,450).

Attorney
general.

For salaries of attorney general, one hundred seventy-three thousand two hundred eighty dollars (\$173,280).

For support of attorney general, twenty-six thousand one hundred dollars (\$26,100).

Equalization,
board of

For salaries of state board of equalization, eighty-six thousand five hundred sixty dollars (\$86,560).

For support of state board of equalization, fourteen thousand eight hundred sixty dollars (\$14,860).

REGULATIVE.

For salaries of state board of health, exclusive of bureaus of nurses' registration and tuberculosis thereof, three hundred sixteen thousand eighty-five dollars (\$316,085). Health,
board of.

For support of state board of health, exclusive of bureaus of nurses' registration and tuberculosis thereof, one hundred thirty-two thousand eight hundred eighty-five dollars (\$132,885).

For salaries of bureau of tuberculosis, state board of health, twenty-four thousand dollars (\$24,000).

For support of bureau of tuberculosis, state board of health, twenty-one thousand dollars (\$21,000).

For subsidies, bureau of tuberculosis, state board of health, four hundred thousand dollars (\$400,000).

For salaries of bureau of labor statistics, two hundred sixty-eight thousand one hundred sixty dollars (\$268,160). Labor
statistics,
bureau of.

For support of bureau of labor statistics, seventy-three thousand eight hundred forty dollars (\$73,840).

For salaries of industrial welfare commission, fifty-nine thousand seven hundred twenty-five dollars (\$59,725). Industrial
welfare
commission.

For support of industrial welfare commission, eighteen thousand eight hundred dollars (\$18,800).

For salaries railroad commission, six hundred sixty-one thousand four hundred forty dollars (\$661,440). Railroad
commission.

For support railroad commission, two hundred thirty-six thousand five hundred sixty dollars (\$236,560).

For salaries industrial accident commission, four hundred fifty-one thousand six hundred twenty dollars (\$451,620). Industrial
accident
commission.

For support industrial accident commission, one hundred fifteen thousand nine hundred dollars (\$115,900).

For salaries harbor commission for port of Eureka, six thousand eight hundred dollars (\$6,800). Eureka
harbor.

For support harbor commission for port of Eureka, one thousand dollars (\$1,000).

For salaries immigration and housing commission, ninety thousand nine hundred dollars (\$90,900). Immigration
and housing.

For support immigration and housing commission, fifty thousand five hundred seventy-nine dollars (\$50,579).

CURATIVE.

For salaries department of institutions, forty-six thousand three hundred dollars (\$46,300). Institutions,
department
of.

For support department of institutions, sixty-nine thousand one hundred dollars (\$69,100).

For salaries Agnews State Hospital, four hundred sixty-one thousand sixty dollars (\$461,060). Agnews
State
Hospital.

For support Agnews State Hospital, six hundred three thousand two hundred five dollars (\$603,205).

For permanent improvements, Agnews State Hospital, consisting of construction, improvement, equipment and furnishing of buildings, improvement of water, fire and electrical

systems, improvement of roads, ninety-eight thousand five hundred fifty dollars (\$98,550).

Mendocino
State
Hospital.

For salaries, Mendocino State Hospital, three hundred sixty-seven thousand seven hundred dollars (\$367,700).

For support Mendocino State Hospital, three hundred seventy-six thousand five hundred eighty-six dollars (\$376,586).

For permanent improvements Mendocino State Hospital, consisting of construction, improvement, equipment and furnishing of buildings, boiler house, concrete pipe line at farm, three hundred sixty thousand two hundred dollars (\$360,200).

Napa
State
Hospital.

For salaries Napa State Hospital, six hundred sixty-four thousand eight hundred eighty dollars (\$664,880).

For support Napa State Hospital, six hundred fifty-eight thousand seven hundred dollars (\$658,700).

For permanent improvements Napa State Hospital, consisting of construction, improvement, equipment and furnishing of buildings, oil pipe line, survey and construction of water supply, fifty-four thousand dollars (\$54,000).

Norwalk
State
Home.

For salaries Norwalk State Hospital, three hundred sixty thousand five hundred sixty-five dollars (\$360,565).

For support Norwalk State Hospital, three hundred seventy-three thousand seven hundred fifty-eight dollars (\$373,758).

For permanent improvements Norwalk State Hospital, consisting of construction, improvement, equipment and furnishing buildings, lighting system, sewage disposal, smokestack and poultry plant, four hundred sixty-eight thousand nine hundred seventy-five dollars (\$468,975).

Pacific
Colony.

For salaries Pacific Colony, seventy-one thousand dollars (\$71,000).

For support Pacific Colony, seventy-nine thousand dollars (\$79,000).

For permanent improvements Pacific Colony, consisting of construction, improvements, equipment and furnishing of buildings, subway, roads and bridges, steam and lighting systems, four hundred ten thousand one hundred sixty-seven dollars (\$410,167).

Sonoma
State
Home.

For salaries Sonoma State Home, four hundred seventy-eight thousand forty dollars (\$478,040).

For support Sonoma State Home, five hundred ninety-nine thousand two hundred forty dollars (\$599,240).

For permanent improvements Sonoma State Home, consisting of construction, improvement, equipment and furnishing of buildings and garages, complete electric and sewage disposal plants, bake oven, one hundred ten thousand five hundred dollars (\$110,500).

Southern
California
State
Hospital

For salaries Southern California State Hospital, six hundred fifty-five thousand five hundred twenty dollars (\$655,520).

For support Southern California State Hospital, five hundred ninety-four thousand five hundred thirty dollars (\$594,530).

For permanent improvements Southern California State Hospital, consisting of construction, improvements, equipment

and furnishings of buildings, sewage disposal, fire protection, two hundred thirty-five thousand five hundred dollars (\$235,500).

For salaries Stockton State Hospital, six hundred ninety-nine thousand six hundred forty dollars (\$699,640).

Stockton
State
Hospital.

For support Stockton State Hospital, seven hundred twenty-eight thousand nine hundred dollars (\$728,900).

For permanent improvements Stockton State Hospital, consisting of construction, improvement, repairs, equipment and furnishings of buildings, power and water systems, repairs to roads, streets and fire escapes, two hundred nineteen thousand fifty dollars (\$219,050).

For transportation of prisoners and insane, three hundred thousand dollars (\$300,000).

Transporta-
tion.

CORRECTIVE.

For salaries California School for Girls, one hundred twenty-two thousand seven hundred thirty-six dollars (\$122,736).

California
School
for Girls.

For support California School for Girls, one hundred fourteen thousand eight hundred thirty-nine dollars (\$114,839).

For permanent improvements California School for Girls, consisting of repairs and improvements to ice plant and roads, fifteen thousand four hundred dollars (\$15,400).

For salaries Preston School of Industry, two hundred eighty-three thousand three hundred twenty dollars (\$283,320).

Preston
School of
Industry.

For support Preston School of Industry, four hundred twenty-seven thousand dollars (\$427,000).

For permanent improvements Preston School of Industry, consisting of construction, improvement, equipment and furnishings of buildings and garages, shop machinery and equipment, live stock, twenty-seven thousand dollars (\$27,000).

For salaries Whittier State School, two hundred eighteen thousand three hundred forty dollars (\$218,340).

Whittier
State
School.

For support Whittier State School, two hundred nineteen thousand two hundred twenty dollars (\$219,220).

For permanent improvements Whittier State School, consisting of construction, improvement, equipment and furnishings of buildings and garages, bake shop, storage for oil and paints, laundry and mechanical shop equipment and general repairs, fifty-one thousand twenty-five dollars (\$51,025).

PENAL.

For salaries San Quentin Prison, three hundred forty thousand eight hundred dollars (\$340,800).

San Quentin
State Prison

For support San Quentin Prison, one million twenty-two thousand four hundred fifty dollars (\$1,022,450).

For permanent improvements, San Quentin Prison, consisting of construction, improvement, equipment and furnishings of buildings and cells, industrial equipment and repairs, four hundred seven thousand dollars (\$407,000).

Folsom
State Prison.

For salaries Folsom Prison, two hundred seventy-nine thousand two hundred thirty-two dollars (\$279,232).

For support Folsom Prison five hundred forty-two thousand nine hundred fifteen dollars (\$542,915).

For permanent improvements, Folsom Prison, consisting of construction, improvement, equipment and furnishings of buildings, postoffice, steam boiler, wall derrick and equipment and general repairs, thirty-two thousand five hundred dollars (\$32,500).

Parole
department.

For salaries of parole department of board of prison directors, twenty-nine thousand two hundred eighty dollars (\$29,280).

For support of parole department of board of prison directors, twelve thousand eight hundred fifty dollars (\$12,850).

Criminal
identification
bureau.

For salaries state bureau of criminal identification and investigation, fifty-five thousand eight hundred dollars (\$55,800).

For support state bureau of criminal identification and investigation, eight thousand dollars (\$8,000).

Transporta-
tion.

For transportation on account of arrest of criminals without the state, fifty thousand dollars (\$50,000).

Rewards.

For rewards offered by the governor, two thousand five hundred dollars (\$2,500).

BENEVOLENT.

Charities
and
corrections.

For salaries state board of charities and corrections, thirty-nine thousand six hundred dollars (\$39,600).

For support state board of charities and corrections, twenty-one thousand three hundred seventy dollars (\$21,370).

Veterans'
Home.

For salaries Veterans' Home of California, two hundred sixty-one thousand seven hundred twenty-four dollars (\$261,724).

For support Veterans' Home of California, one hundred five thousand three hundred forty-two dollars (\$105,342), and in addition thereto such sum or sums as are allowed by existing statutes.

Industrial
Home for the
Adult Blind

For salaries Industrial Home for the Adult Blind, fifty-eight thousand three hundred twenty dollars (\$58,320).

For support Industrial Home for the Adult Blind, sixty-six thousand eight hundred eighty dollars (\$66,880).

For permanent improvements Industrial Home for the Adult Blind, consisting of repairs, and improvements to buildings, steam plant, roads and equipment and furnishings for assembly hall, four thousand one hundred fifty dollars (\$4,150).

Woman's
Relief Corps
Home.

For salaries Woman's Relief Corps Home, eighteen thousand nine hundred dollars (\$18,900).

For support Woman's Relief Corps Home, five thousand one hundred dollars (\$5,100), and in addition thereto such sum or sums as are allowed by existing statutes.

CONSERVATION.

For support state board of forestry, one hundred nine thousand four hundred forty dollars (\$109,440), and in addition thereto such sum or sums as are allowed by existing statutes. Forestry board of.

For salaries Redwood park commission, twenty thousand six hundred eighty-four dollars (\$20,684). Redwood park commission.

For support Redwood park commission, six thousand six hundred sixteen dollars (\$6,616).

DEVELOPMENTAL.

For salaries state agricultural society, eighty-four thousand four hundred sixty dollars (\$84,460). Agricultural society.

For support state agricultural society, two hundred thirty-eight thousand sixty dollars (\$238,060).

For permanent improvements state agricultural society, consisting of construction and improvements to buildings, purchase of land, fifty-one thousand five hundred dollars (\$51,500).

For salaries sixth district agricultural association, fifty-three thousand seven hundred sixty dollars (\$53,760). 6th district agricultural association.

For support sixth district agricultural association sixteen thousand dollars (\$16,000).

For salaries state department of agriculture, exclusive of the following self-supporting bureaus or departments thereof, meat inspection, cattle protection, stallion registration, apple inspection, shipping point inspection and fish exchange, nine hundred thirty-nine thousand seven hundred forty-two dollars (\$939,742). Department of agriculture.

For support state department of agriculture, exclusive of the following self-supporting bureaus or departments thereof, meat inspection, cattle protection, stallion registration, apple inspection, shipping point inspection and fish exchange, four hundred forty-one thousand six hundred eighty-nine dollars (\$441,689).

For salaries surveyor general, forty-nine thousand nine hundred dollars (\$49,900). Surveyor general

For support surveyor general, six thousand eight hundred forty-five dollars (\$6,845).

For salaries California highway commissioners and State highway engineer, forty-one thousand six hundred dollars (\$41,600). Highway commission.

For salaries department of public works, general office, forty-one thousand eighty dollars (\$41,080). Public works, department of.

For support department of public works, general office, two thousand eight hundred thirty dollars (\$2,830).

For salaries division of water rights, department of public works, one hundred twenty-eight thousand dollars (\$128,000). Water rights, division of.

For support division of water rights, department of public works, forty-one thousand one hundred seventy-five dollars (\$41,175).

For investigation of streams, lakes, etc., division of water rights, department of public works, fifty thousand dollars (\$50,000).

Engineering,
etc., division
of.

For salaries division of engineering and irrigation, department of public works, thirty-four thousand seven hundred sixty dollars (\$34,760).

For support division of engineering and irrigation, department of public works, nine thousand six hundred dollars (\$9,600).

Flood
protection.

For emergency flood protection and rectification of river channels, in cooperation with other agencies, one hundred fifty thousand dollars (\$150,000).

Architecture,
division of.

For salaries, division of architecture, department of public works, two hundred thirty-two thousand dollars (\$232,000).

For support division of architecture, department of public works, twenty-eight thousand one hundred dollars (\$28,100).

Mining
division.

For salaries mining division of state mining bureau, sixty-eight thousand two hundred sixty dollars (\$68,260).

For support mining division of state mining bureau, thirty-three thousand one hundred eighty dollars (\$33,180).

DEFENSIVE.

National
guard.

For salaries of the adjutant general and the California national guard, fifty-one thousand four hundred eighty dollars (\$51,480).

For support of the office of the adjutant general and the California national guard, four hundred sixty-four thousand four hundred thirty dollars (\$464,430).

For maintenance high school cadets, twenty thousand dollars (\$20,000).

EDUCATIONAL.

Education,
board of.

For salaries state board of education, seventy-four thousand one hundred twenty dollars (\$74,120).

For support state board of education, thirty-four thousand eight hundred dollars (\$34,800).

For salaries credentials department, state board of education, sixty-six thousand dollars (\$66,000).

For support credentials department, state board of education, fifteen thousand six hundred dollars (\$15,600).

Public
instruction,
Superin-
tendent of.

For free textbooks, superintendent of public instruction, seven hundred sixty-seven thousand four hundred three and nine one-hundredths dollars (\$767,403.09).

For salaries of superintendent of public instruction, fifty-four thousand nine hundred twenty dollars (\$54,920).

For support of superintendent of public instruction, forty-two thousand two hundred dollars (\$42,200).

University.

For salaries University of California, three million nine hundred thousand dollars (\$3,900,000).

For support University of California, one million five hundred fifty thousand six hundred seventy-one and forty-seven one-hundredths dollars (\$1,550,671.47).

For permanent improvements University of California, consisting of construction, improvement, equipment and furnishings, buildings, additional book stacks, improvements and repairs Davis and Scripps Institute, purchasing and improvement of land at Berkeley, six hundred eighty thousand dollars (\$680,000).

For salaries Chico State Teachers College, two hundred twenty-five thousand nine hundred sixty dollars (\$225,960).

For support Chico State Teachers College, forty-seven thousand six hundred fifty dollars (\$47,650).

For permanent improvements Chico State Teachers College, consisting of construction, equipment and furnishings of gymnasium, repairs Mount Shasta school, forty thousand dollars (\$40,000).

For salaries Fresno State Teachers College, three hundred five thousand eight hundred ninety dollars (\$305,890).

For support Fresno State Teachers College, forty-six thousand dollars (\$46,000).

For permanent improvements Fresno State Teachers College, consisting of construction, equipment and furnishings temporary building, improvement of streets, twenty-eight thousand dollars (\$28,000).

For salaries Humboldt State Teachers College, one hundred seventeen thousand three hundred ninety dollars (\$117,390).

For support Humboldt State Teachers College, twenty thousand five hundred dollars (\$20,500).

For new equipment Humboldt State Teachers College, six thousand seven hundred eighty-five dollars (\$6,785).

For salaries San Diego State Teachers College, three hundred five thousand six hundred sixty dollars (\$305,660).

For support San Diego State Teachers College, thirty-five thousand eight hundred dollars (\$35,800).

For permanent improvements, San Diego State Teachers College, consisting of improvements, repairs, equipment and furnishings, buildings and grounds, fifty-five thousand dollars (\$55,000).

For salaries San Francisco State Teachers College, three hundred eighteen thousand four hundred twenty dollars (\$318,420).

For support San Francisco State Teachers College, fifty-nine thousand eight hundred dollars (\$59,800).

For permanent improvements San Francisco State Teachers College, consisting of equipment and furnishings buildings and boiler plant, retaining wall, two hundred fifteen thousand dollars (\$215,000).

For salaries San Jose State Teachers College, four hundred eighty-three thousand two hundred forty dollars (\$483,240).

For support San Jose State Teachers College, eighty-one thousand five hundred fifty dollars (\$81,550).

For permanent improvements San Jose State Teachers College, consisting of construction, improvements, repairs, equipment and furnishings of buildings, one hundred twenty-two thousand five hundred dollars (\$122,500).

Chico
State
Teachers
College.

Fresno
State
Teachers
College.

Humboldt
State
Teachers
College.

San Diego
State
Teachers
College.

San Fran-
cisco State
Teachers
College.

San Jose
State
Teachers
College.

Santa
Barbara
State
Teachers
College.

For salaries Santa Barbara State Teachers College, two hundred nineteen thousand six hundred thirty-nine and thirty-eight one-hundredths dollars (\$219,639.38).

For support Santa Barbara State Teachers College, twenty-six thousand nine hundred dollars (\$26,900).

For permanent improvements Santa Barbara State Teachers College, consisting of improvements, repairs, equipment and furnishings of buildings, one hundred sixty thousand dollars (\$160,000).

California
School for
the Deaf and
the Blind.

For salaries California School for the Deaf and the Blind, two hundred fifty-four thousand six hundred eighty-one dollars (\$254,681).

For support California School for the Deaf and the Blind, one hundred fifty-one thousand six hundred fifty dollars (\$151,650).

For permanent improvements California School for the Deaf and the Blind, consisting of construction, improvements, repairs, equipment and furnishings of buildings, one hundred twenty thousand dollars (\$120,000).

California
Polytechnic
School.

For salaries California Polytechnic School, one hundred twenty-seven thousand four hundred dollars (\$127,400).

For support California Polytechnic School, fifty-five thousand five hundred thirty dollars (\$55,530).

For permanent improvements California Polytechnic School, consisting of construction of poultry houses, silo, water pump, sewage disposal, fire protection, eleven thousand five hundred fifty dollars (\$11,550).

Hastings
College of
the Law.

For salaries of officers and employes Hastings College of the Law, four thousand eight hundred dollars (\$4,800).

For interest on indebtedness Hastings College of the Law, fourteen thousand dollars (\$14,000).

Libraries,
division of.

For salaries division of libraries, department of finance, one hundred sixty-two thousand eighty dollars (\$162,080).

For support division of libraries, department of finance, ninety-one thousand four hundred ten dollars (\$91,410).

MISCELLANEOUS.

Miscellane-
ous.

For official advertising, six thousand dollars (\$6,000).

For premium on official bonds, six thousand dollars (\$6,000).

For compensation benefits, state officers and employes, sixty thousand dollars (\$60,000).

For traveling expenses county treasurers, five thousand dollars (\$5,000).

For rental and all other expenses necessary for the maintenance of rented state offices, two hundred fifteen thousand two hundred twenty-eight dollars (\$215,228), and in addition thereto all moneys received from self-supporting agencies as refunds for moneys advanced from the appropriation herein made are made available and are hereby appropriated.

For the care, upkeep and maintenance of the California building, Balboa park, ten thousand dollars (\$10,000).

SELF-SUPPORTING DEPARTMENTS.

For salaries division of printing, state department of finance, seven hundred thirty-three thousand two hundred sixty-four dollars (\$733,264). Printing, division of.

For support division of printing, state department of finance, six hundred three thousand three hundred fifty-six dollars (\$603,356).

For support state board of accountancy, eleven thousand four hundred dollars (\$11,400). Accountancy.

For salaries board of architecture, northern district, two thousand forty dollars (\$2,040). Architecture.

For support board of architecture, northern district, three thousand two hundred fifty-eight and fifty one-hundredths dollars (\$3,258.50).

For salaries board of architecture, southern district, two thousand forty dollars (\$2,040).

For support board of architecture, southern district, three thousand seventy dollars (\$3,070).

For salaries state banking department, two hundred ninety-one thousand twenty dollars (\$291,020). Banking.

For support state banking department, one hundred twenty-one thousand five hundred dollars (\$121,500).

For salaries state board of bar examiners, six thousand dollars (\$6,000). Bar examiners.

For support state board of bar examiners, nine thousand seven hundred forty-five dollars (\$9,745).

For salaries building and loan commissioner, twenty-two thousand five hundred twenty dollars (\$22,520). Building and loan.

For support building and loan commissioner, seven thousand seven hundred fifty-four dollars (\$7,754).

For salaries corporation department, five hundred twenty thousand nine hundred sixty dollars (\$520,960). Corporation.

For support corporation department, seventy-three thousand six hundred thirty-three dollars (\$73,633).

For salaries board of dental examiners thirty-three thousand three hundred sixty dollars (\$33,360). Dental examiners.

For support board of dental examiners, eight thousand three hundred thirty-eight dollars (\$8,338).

For salaries detective license department of state board of prison directors, six hundred dollars (\$600). Detective license.

For support detective license department of state board of prison directors, five hundred fifty-five dollars (\$555).

For salaries board of embalmers, eight thousand four hundred dollars (\$8,400). Embalmers.

For support board of embalmers, five thousand five hundred twenty dollars (\$5,520).

For salaries board of state harbor commissioners, San Diego, two thousand six hundred forty dollars (\$2,640). Harbor commissioners.

For support board of state harbor commissioners, San Diego, one hundred fifty dollars (\$150).

For salaries board of state harbor commissioners, San Francisco, one million, six hundred thirty-nine thousand four hundred forty-six dollars (\$1,639,446).

For support board of state harbor commissioners, San Francisco, three million, four hundred thirteen thousand two hundred forty dollars (\$3,413,240).

For permanent improvements board of state harbor commissioners, San Francisco, consisting of construction, improvement, equipment of piers, streets, tracks, buildings, shops and garages, post office, dump scows, one million nine hundred eighty-three thousand dollars (\$1,983,000).

Insurance. For salaries state insurance commissioner, ninety-six thousand one hundred dollars (\$96,100).

For support state insurance commissioner, forty-two thousand nine hundred seventy dollars (\$42,970).

Medical examiners. For salaries board of medical examiners, forty-seven thousand two hundred sixty dollars (\$47,260).

For support board of medical examiners, thirty-four thousand three hundred eighty-nine and ninety-two one hundredths dollars (\$34,389.92).

Nurses. For salaries registration of nurses, state board of health, twenty-four thousand three hundred sixty dollars (\$24,360).

For support registration of nurses, state board of health, nine thousand eight hundred twenty dollars (\$9,820).

Optometry. For salaries board of optometry, five thousand dollars (\$5,000).

For support board of optometry, three thousand four hundred fifty dollars (\$3,450).

Pharmacy. For salaries board of pharmacy, sixty-seven thousand two hundred dollars (\$67,200).

For support board of pharmacy, fifty-six thousand four hundred ninety dollars (\$56,490).

Real estate. For salaries real estate department, one hundred seventy-four thousand six hundred dollars (\$174,600).

For support real estate department, one hundred eleven thousand two hundred eighty-five dollars (\$111,285).

Veterinary. For salaries board of veterinary medical examiners, two hundred dollars (\$200).

For support board of veterinary medical examiners, three hundred dollars (\$300).

Cattle protection. For salaries cattle protection, state department of agriculture, sixty-one thousand eight hundred dollars (\$61,800).

For support cattle protection, state department of agriculture, one hundred two thousand nine hundred forty dollars (\$102,940).

Meat inspection. For salaries meat inspection, state department of agriculture, three hundred twenty-two thousand eighty dollars (\$322,080).

Stallion registration. For salaries, stallion registration, state department of agriculture, six hundred dollars (\$600).

For support, stallion registration, state department of agriculture, five hundred dollars (\$500).

For salaries apple inspection, state department of agriculture, forty-six thousand five hundred dollars (\$46,500). Apple inspection.

For support apple inspection, department of agriculture, twenty-three thousand five hundred dollars (\$23,500).

For salaries shipping point inspection, state department of agriculture, two hundred sixty-nine thousand one hundred ten dollars (\$269,110). Shipping point inspection.

For support shipping point inspection, state department of agriculture, one hundred eighty thousand eight hundred ninety dollars (\$180,890).

For salaries fish exchange, state department of agriculture, two thousand six hundred forty dollars (\$2,640). Fish exchange.

For support fish exchange, state department of agriculture, two thousand six hundred sixty dollars (\$2,660).

For salaries fish and game commission, six hundred fifty thousand dollars (\$650,000). Fish and game.

For support fish and game commission, six hundred three thousand eight hundred ninety-nine and ninety-six one-hundredths dollars (\$603,899.96).

For salaries mining bureau, department of petroleum and gas, two hundred eight thousand dollars (\$208,000). Petroleum and gas.

For support mining bureau, department of petroleum and gas, ninety-two thousand six hundred forty dollars (\$92,640).

For salaries California highway commission, exclusive of the state highway engineer and commissioners, two million three thousand seven hundred dollars (\$2,003,700). Highway commission.

For support California highway commission, eight hundred seventy-two thousand forty dollars (\$872,040).

For maintenance and repairs of roads in the state highway system by California highway commission, nine million one hundred fifty-three thousand dollars (\$9,153,000).

For reconstruction, widening and thickening state highways already built and under maintenance by California highway commission, eleven million one hundred eighty-seven thousand dollars (\$11,187,000).

For new construction on parts of state highways never before built or extensions to present construction by California highway commission, five million five hundred forty-two thousand dollars (\$5,542,000).

EMERGENCIES.

For emergency fund to be expended only upon unanimous vote of the board of control, approved by the controller (exempt from section four of this act), one million dollars (\$1,000,000). Emergency fund.

SEC. 2. When any state publication is printed and paid for out of any appropriation in this act, the disposition of the same shall be subject to the provision of section two thousand two hundred ninety-five *a* of the Political Code of the State of California. The sums that are herein appropriated for expenses of the senate and assembly shall be disbursed under the direction of the bodies to which they respectively belong, and shall not be subject to any of the provisions of section Publications.
Legislative expenses.

six hundred seventy-two of the Political Code; *provided*, that the state controller shall not be required to draw any warrants until the original claims and vouchers, itemized and properly sworn to are filed with him. The sums herein appropriated for the expenses of the national guard shall be audited by the adjutant general, as required by sections two thousand eighty-three and two thousand eighty-five of the Political Code. Not more than five hundred dollars of the money hereby appropriated for the support of the institutions of the state shall be used in each fiscal year for permanent improvements, but shall be used solely for the payment of salaries and traveling expenses of the commissioners or directors having charge of the same (when such salaries or expenses are allowed by law), the salaries of employees, the purchase of materials 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.

Sec. 3. All persons having demands against the state, and various state officers, and the officers of all institutions under the control of the state, except the governor, to whom and for which appropriations other than salaries are made under the provisions of this act, shall, with their biennial report, submit a detailed statement, under oath, of the manner in which all appropriations for their respective departments and institutions have been expended, and the state board of control is hereby expressly prohibited from allowing any demand payable out of any such appropriations until the same are presented in itemized form, accompanied by affidavit and voucher for money expended by them stating specifically the service rendered, by whom performed, time employed, distance 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 officers 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 fact 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 state-

National
guard.

Use of
funds.

Biennial
statements
of officers.

Original
bills
required.

Revolving
fund.

ments, draw from such appropriation, a sum not to exceed one per cent of the total amount appropriated for any such officer, board, commission or department. The sums so drawn shall be used as a revolving fund where cash advances are necessary, and at the close of each biennium, or at any other time, upon the demand of the board of control, must be accounted for and substantiated by vouchers and itemized statements submitted to and audited by the board of control and the controller.

SEC. 4. Not more than one twenty-fourth of the amount appropriated under this act for each department or institution for support and salaries for the two years ending June 30, 1927, shall be expended during any one month without the consent of the state board of control, and not more than one-half of such appropriation shall be expended during the seventy-seventh fiscal year, unless the same has been expressly authorized by this act.

Amounts expendable monthly.

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 appropriation; *provided*, that any member of any such department, board, commission or institution, who shall vote for any expenditure, or create any indebtedness against the state in excess of the respective appropriations made by this act, except by the unanimous consent of the state board of control, and the certificate in this section provided to be first obtained, shall be liable on his official bond for the amount of such indebtedness, to be recovered in any court of competent jurisdiction by the person or persons, firm or corporation to whom such indebtedness is owing.

Expenditures in excess of appropriations.

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 property of San Francisco harbor.

Fire insurance.

SEC. 7. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state shall, under the provisions of section one, of article four, of the constitution of the State of California, take effect immediately.

In effect immediately.

CHAPTER 31.

An act authorizing the state director of institutions, with the approval of the state board of control, to grant to the California highway commission for highway and road purposes the use of certain lands belonging to the State of California situated in Los Angeles county.

[Approved by the Governor April 1, 1925.]

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

Use of land
at Whittier
State School
for highway.

SECTION 1. The state director of institutions, with the approval of the state board of control, is hereby authorized to grant to the California highway commission the use of the following described land or so much thereof as may be necessary as a right of way for state highway purposes:

That portion of California reform school tract as per map recorded in deed map book five hundred sixty-two, page one hundred eighty-seven, and of state reform school tract as per map recorded in deed map book seven hundred twenty-four, page two hundred sixty-six, all being records of Los Angeles county, California, including within the following description: A thirty-foot strip of land lying adjacent to and on the southwesterly side of a county road known as Whittier boulevard extending from the southeasterly line of Sorenson avenue, said line also being the northwesterly line of said California reform school tract, in a southeasterly direction to the northerly line of King road, also known as Evergreen street, which line is also the southerly line of said state reform school tract, the southwesterly line of said thirty-foot strip being parallel with and distant fifty-five feet southwesterly from the center line of said Whittier boulevard.

CHAPTER 32.

An act amending section four thousand two hundred forty of the Political Code, relating to salaries and compensation of officers in counties of the eleventh class.

[Approved by the Governor April 2, 1925.]

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

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

Counties of
11th class:
salaries and
fees of
officers.

4240. In counties of the eleventh 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:

1. The county clerk, four thousand dollars; *provided*, that said clerk shall have the following deputies: One chief deputy, who shall act as clerk of the board of supervisors, and who shall be paid a salary of two thousand four hundred dollars per annum; one deputy clerk who shall be paid a salary of

one thousand nine hundred twenty dollars per annum; ^{Clerk.} two deputies who shall act as courtroom clerks and shall each be paid a salary of one thousand eight hundred dollars per annum. In the event that the legislature shall hereafter increase the number of superior judges in any county of this class, an additional courtroom deputy shall be appointed by said county clerk at a salary of one thousand five hundred dollars per annum, who shall perform the duties and act in place of the deputy provided for by section four thousand two hundred ninety of the Political Code. The county clerk shall perform the duties of registrar of voters and shall appoint additional deputies who shall act as registration deputies for the purpose of registering electors outside of the county courthouse grounds, and such deputies shall be paid the sum of ten cents per name for each affidavit of registration taken by them and the claims of such deputies for such service shall be presented to, and allowed by the board of supervisors as other claims against the county are presented and allowed. The county clerk shall also be allowed not to exceed four additional deputies for a period of not to exceed ten months during each and every even numbered year, which said deputies shall receive as compensation for their services, three dollars and a half per day each, during such time as they may serve as such deputies. The county clerk shall pay into the county treasury to the credit of the salary fund at the close of each month, all fees and commissions received by said county clerk during the month, accompanied by a statement of the sources from which said fees and commissions have been received.

2. The sheriff, four thousand dollars per annum; ^{Sheriff.} *provided*, that said sheriff shall have the following deputies and assistants: One deputy who shall act as undersheriff; and who shall be paid a salary of two thousand one hundred dollars per annum; four deputies, each of whom shall be paid a salary of one thousand eight hundred dollars per annum; one deputy who shall be paid a salary of one thousand five hundred dollars per annum, and a matron who shall also perform the duties of cook and whose compensation shall be three dollars per day and her board at the jail of said county while performing such duties. The sheriff shall receive and retain for his use, the compensation allowed by the state for the transportation of prisoners to and from the state prisons, and for conveying persons to and from the insane asylums, state hospitals and other state institutions. All other fees and mileage received by the sheriff shall be paid into the county treasury and placed to the credit of the salary fund. In the event that the legislature shall hereafter increase the number of superior judges in any county of this class, an additional courtroom deputy shall be appointed by said sheriff, which said deputy shall be paid a salary of one thousand five hundred dollars per annum, and shall perform the duties and act in place of the deputy provided for in section four thousand two hundred ninety of the Political Code.

Recorder.

3. The county recorder, three thousand six hundred dollars per annum; *provided*, that said recorder shall have the following deputies and assistants: One chief deputy who shall be paid a salary of two thousand one hundred dollars per annum; two deputies, each of whom shall be paid a salary of one thousand five hundred dollars per annum; two comparing clerks, each of whom shall be paid a salary of one hundred dollars per month; and such copyists as are necessary to perform the duties of the office, who shall receive a compensation of three cents per folio for each folio of any instrument recorded and necessary to be transcribed by said recorder, and which said compensation shall be paid out of the salary fund of such county. All fees collected by the county recorder shall be paid into the county treasury and placed to the credit of the salary fund.

Auditor.

4. The county auditor, three thousand dollars per annum; *provided*, that said auditor shall have the following deputies and assistants: Three deputies, each of whom shall be paid a salary of one thousand eight hundred dollars per annum; one deputy who shall be paid a salary of one thousand five hundred dollars per annum, and such additional assistants each year as the board of supervisors may consider necessary to promptly perform the work required to be done in the office of said auditor, said assistants to be employed by said auditor and to be paid a compensation of not to exceed four dollars per day while actually employed, and the compensation of such assistants shall not in the aggregate, exceed the sum of one thousand dollars in any one year. It shall be the duty of the county auditor in counties of this class to prepare for the board of supervisors, the reports required by sections four thousand ninety-nine and four thousand forty-nine *a* of the Political Code, and all fees and commissions received by the county auditor shall be paid by him into the county treasury and placed to the credit of the salary fund.

Treasurer.

5. The county treasurer, three thousand dollars per annum; *provided*, that said treasurer shall have one deputy who shall be paid a salary of one thousand nine hundred twenty dollars per annum.

Tax collector.

6. The tax collector, three thousand dollars per annum, in full compensation for all services performed as tax collector and ex officio license collector; *provided*, that said tax collector shall have the following deputies and assistants: One chief deputy who shall be paid a salary of one thousand nine hundred twenty dollars per annum; two deputies, each of whom shall be paid a salary of one thousand five hundred dollars per annum; three copyists from the first day of July each year to the first day of September each year, each of whom shall be paid a salary of one hundred dollars per month; fifteen clerks for a period of not to exceed two months in any one year, each of whom shall receive a salary of one hundred dollars per month, and such additional assistants during each year as the board of supervisors may consider necessary to

promptly perform the work required to be done in the office of said tax collector, said assistants to be employed by said tax collector and to be paid a compensation of four dollars per day while actually employed, and such compensation shall not in the aggregate exceed the sum of one thousand dollars per annum. All fees and commissions paid to the tax collector and ex officio license collector, shall be paid into the county treasury and placed to the credit of the salary fund.

7. The county assessor, four thousand dollars per annum; Assessor. *provided*, that said assessor shall be allowed the following deputies and assistants: One deputy, who shall be known as chief deputy, and who shall be paid a salary of one thousand nine hundred twenty dollars per annum; one copyist and stenographer, who shall be paid a salary of one thousand two hundred dollars per annum; three copyists for a period not exceeding six months in each year, each of whom shall be paid a salary of one hundred dollars per month; six field deputies for a period not exceeding four months in each year, each of whom shall be paid a salary of six dollars per day; twelve field deputies for a period not exceeding four months in each year, each of whom shall be paid a salary of seven dollars per day. All fees and commissions, including all sums collected by the assessor or his deputies as personal property taxes, shall be paid in to the county treasury monthly as collected, with a statement of account of each collection.

8. The district attorney, four thousand two hundred dollars per annum; Attorney. *provided*, that the district attorney shall have the following deputies and assistants: An assistant district attorney who shall be paid a salary of three thousand three hundred dollars per annum; one deputy who shall be paid a salary of three thousand dollars per annum; one deputy who shall be paid a salary of two thousand seven hundred dollars per annum; one deputy who shall be paid a salary of two thousand four hundred dollars per annum; one stenographer who shall be paid a salary of one hundred twenty-five dollars per month, and one stenographer who shall be paid a salary of one hundred dollars per month.

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

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

11. The superintendent of schools, as full compensation of all services required of him by law, including his duties as a member of the county board of education, three thousand dollars per annum, and actual and necessary traveling expenses when visiting the schools of his county; *provided*, that the superintendent of schools shall have the following deputies: One chief deputy who shall be paid a salary of two thousand two hundred dollars per annum; a second deputy who shall be paid a salary of one thousand eight hundred dollars per annum, and one deputy who shall be paid a salary of one thousand five hundred dollars per annum, Supt. of schools.

said chief deputy and said second deputy to be qualified teachers, competent to perform the duties of said office, either in the field or in said office.

Surveyor.

12. The county surveyor three thousand dollars per annum; *provided*, that the surveyor shall have the following deputies and assistants: One deputy who shall be paid a salary of two thousand dollars per annum; one field inspector who shall be paid a salary of two thousand dollars per annum; one field and office assistant who shall also act as stenographer and who shall be paid a salary of one thousand five hundred dollars per annum. In addition the county surveyor shall be allowed all necessary traveling and other expenses incurred by himself or by said deputy, field inspector or assistant in the performance of all work in the field and in the discharge of the duties of his office, and said surveyor shall also have power to employ such inspectors, chainmen, rodmen and other field help as may be necessary to perform the duties of his office in the field and for the proper supervision and inspection of all highways, bridges, structures and other engineering work, which the said county surveyor may be required by the board of supervisors to supervise or inspect, while under construction, and the compensation of said inspectors and other help shall be a proper charge against the county, and shall be paid out of the county general fund upon the presentation of proper claims therefor to the board of supervisors in any county of this class. The county surveyor shall do all surveying and engineering work for the county, including the preparation of plans and specifications for the construction of bridges; and in any county of this class, whenever a portion of the county general fund has been appropriated for the construction of highways or bridges, or bonds have been issued under the provisions of section four thousand eighty-eight of the Political Code for the construction of bridges or highways, the county surveyor may at any time during the planning, laying out or construction of said bridges or highways, employ all necessary inspectors, draftsmen and field or office help for the purpose of assisting said county surveyor in planning, laying out or supervising and inspecting the construction of such bridges or highways, and the compensation of all persons so employed shall be paid out of the fund created for such work upon the presentation of proper claims therefor to the board of supervisors; *provided, however*, that before employing any inspectors and field or office help, the surveyor shall first obtain the consent of the board of supervisors to such employment, and said inspectors and field or office help shall not be employed for a period longer than may be necessary to actually complete said bridges or highways, and the compensation of all such persons employed as inspectors, draftsmen, field or office help, shall be prescribed by the board of supervisors. The board of supervisors shall have the power to appoint the county surveyor, superintendent of maintenance of permanent high-

ways constructed under bond issues, direct tax or county general funds, and such surveyor, in the event of such appointment, must perform the duties of such superintendent of maintenance, and when so appointed, shall receive a salary of eight hundred dollars per annum. He shall be allowed all necessary help to perform the duties of such superintendent of maintenance, the compensation of which help shall be fixed by the board of supervisors, and which said board shall furnish such superintendent of maintenance with necessary equipment and funds to properly perform such work.

13. For the purpose of regulating the compensation of the justices of the peace and constables in counties of the eleventh class, the townships of said counties are hereby classified as follows: 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 not less than six thousand and under ten thousand, shall belong to and be known as townships of the second class; townships having a population of not less than three thousand and under six thousand, shall belong to, and be known as townships of the third class; townships having a population of not less than one thousand and under three thousand, shall belong to, and be known as townships of the fourth class; townships having a population under one thousand shall belong to, and be known as townships of the fifth class: *provided*, that for the purposes of this section, the population of the several townships of counties of this class shall be ascertained by the board of supervisors by multiplying the number of registered voters at the last preceding general presidential election by three.

Classification of townships.

14. Justices of the peace in townships of the first class shall be paid a salary of one hundred seventy-five dollars per month. For each justice's court in townships of the first class, there shall be one justice's clerk, who shall be appointed by the justice of the peace and who shall be paid a salary of one hundred dollars per month which shall be payable in the same manner and out of the same funds as county officers are paid. Said justice's clerk shall take the oath of office prescribed for county officers and execute an official bond in the sum of two thousand dollars conditioned upon and for the faithful discharge of the duties of the office of justice's clerk, which bond shall be approved and filed in the same manner as are bonds of county officers. Said justice's clerk shall be authorized to administer all oaths, take and serve affidavits and shall be authorized to issue and sign writs, summons, notices and all other process in any action or proceedings in the justice's court of the township for which said clerk has been appointed, or pending before any justice of the peace in said township, in the name of the justice before whom the same is pending, or out of whose court the same

Justices of the peace.

is issued and all such instruments shall be issued and signed in substantially the following form:

“-----
 Justice of the Peace
 Attest:

 Clerk.”

All legal papers of every kind in actions or proceedings in such justice's court, including all proceedings pending in said court as a small claims court, shall be issued by the said justice's clerk in the manner and form hereinbefore set forth, and said justice's clerk shall issue, sign and certify any and all papers, transcripts or records which are required to be issued, signed or certified by said justice of the peace. All pleadings and papers required to be filed in the said justice's court shall be filed with such justice's clerk and such clerk shall be authorized and is empowered to make entry in the official docket, and other books required to be kept by said justice of the peace, of the actions and proceedings in said court, and such clerk shall have all the powers of justice's clerks now and hereafter provided by law. All fees for the issuance of all process, or other fees, which are by law allowed for any official service of the justice of the peace, must be paid in advance to the clerk of said justice's court, and together with all fees, fines, forfeitures or penalties received in said justice's court shall be paid into the county treasury, and said justice's clerk shall render on or before the first Monday of each month to the county auditor, an exact account under oath of all fines, forfeitures, penalties and fees received by him or collected by said court.

Justices of the peace in townships other than townships of the first class, shall be paid the following monthly salaries, to wit: In townships of the second class one hundred twenty-five dollars per month; in townships of the third class, one hundred dollars per month; in townships of the fourth class, fifty dollars per month; in townships of the fifth class, thirty dollars per month; and all salaries provided for by this section shall be in full compensation of all services rendered by said justices of the peace and justice's clerks, in both civil and criminal cases, and all such fees as are allowed by law in civil cases shall be paid by all justices and justice's clerks into the county treasury.

Constables.

15. Constables shall be paid the following monthly salaries each month in the same manner as the salaries of county officers are paid, and said salaries shall be in full compensation for all services rendered by them in both civil and criminal cases: In townships of the first class, one hundred fifty dollars per month; in townships of the second class, one hundred fifty dollars per month; in townships of the third class, one hundred dollars per month; in townships of the fourth class, seventy-five dollars per month; in townships of the fifth class, thirty dollars per month. All such fees as are

now or may be hereafter allowed by law in civil cases shall be paid by all constables into the county treasury. In addition to the monthly salary herein provided, each constable shall be allowed all expenses necessarily and actually incurred by him in the execution of all criminal and civil process.

16. It shall be the duty of each and every justice of the peace and constable to file in the office of the board of supervisors 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. The statement of the constable shall contain a full and correct account of all process served in both civil and criminal actions, and his statement of criminal actions, together with the mileage from the office of such constable to the place of arrest. All 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 before some officer entitled by law to administer oaths; *provided*, that in townships of the first class, such statement may be made and sworn to by the justice's clerk.

Statements
by justices
and
constables.

17. Each supervisor shall be paid a salary of two thousand four hundred dollars per annum for all personal service 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, the claim for which shall be allowed by the board of supervisors and paid out of the county general fund; *provided*, that the amount so allowed to such supervisor for such expense shall not exceed one hundred dollars per month; *and provided*, that each supervisor shall furnish his own means of conveyance and shall render each month an itemized statement, showing the miles actually traveled in the pursuance of his duties as a supervisor for which he shall be allowed mileage at twelve and a half cents per mile as expenses, up to the amount above specified.

Supervisors.

18. The county librarian, two thousand four hundred dollars per annum.

Librarian.

19. All fees and sums required by law to be paid into the county treasury by any county or township officer shall be so paid on the first Monday in each month after collection.

Payments
to treasury.

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

Effect
of act.

CHAPTER 33.

An act to amend section four thousand two hundred fifty-two of the Political Code, relating to the salaries, fees, and expenses of officers in counties of the twenty-third class.

[Approved by the Governor April 2, 1925.]

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

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

Counties of
23d class:
salaries and
fees of
officers.

4252. In counties of the twenty-third class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit:

Clerk

1. The county clerk, four thousand dollars (\$4,000) per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the county clerk one deputy, who shall be appointed by the county clerk, and who shall be paid a salary of two thousand one hundred dollars (\$2,100) per annum, two deputies who shall be appointed by the county clerk and who shall each be paid a salary of one thousand five hundred dollars (\$1,500) per annum. The salaries of said deputies shall be paid by the county in monthly installments, at the time and in the manner and out of the same fund as the salaries of other county officers are paid; *provided*, that the county clerk be, and he is hereby allowed the sum of ten cents (10c) for the registration of each voter, which registration is taken and made outside of the office of the county clerk; *provided, further*, that in any year that a general election, primary election, special state election, or special county election within the county is held, such number of assistants as is necessary to properly prepare for and conduct said elections shall be allowed, to be paid out of the general fund of the county on the presentation and filing with the board of supervisors, duly verified claims therefor, approved by the county clerk, said compensation not to exceed two hundred dollars (\$200) for each election held. The office of the county clerk shall be kept open on each and every day except Sunday, and legal holidays from nine o'clock a.m. to twelve o'clock m., and from one o'clock p.m. to five o'clock p.m.

Sheriff.

2. The sheriff, four thousand five hundred dollars (\$4,500) 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 undersheriff at a salary of three thousand dollars (\$3,000) per annum, three deputy sheriffs at a salary of two thousand one hundred dollars (\$2,100) per annum each, and one deputy sheriff at one hundred twenty-five dollars (\$125) per month, who shall be head jailer at the county jail in said county; *provided*, that if the sheriff shall not be allowed the privilege of boarding the prisoners as heretofore provided, in this county, then the

deputy who shall be head jailer shall receive the salary of one hundred twenty-five (\$125) dollars per month; said sheriff and his deputies shall be allowed their actual traveling expenses in the performance of their duties, but no other fees or mileage of any nature or kind shall be allowed in civil or criminal matters; except the sheriff shall have for his use the per diems allowed by law for the transportation of prisoners and insane persons to state institutions; all fees of every nature and kind collected by the sheriff shall be turned into the county treasurer. The salaries of the deputies hereinbefore provided for shall be paid in monthly installments by said county, at the same time and in the manner and out of the same fund as the salaries of other county officers are paid.

3. The county recorder, three thousand dollars (\$3,000) per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the recorder not to exceed five copyists who shall be appointed by the recorder of said county; two copyists who shall each receive a salary of one thousand five hundred dollars (\$1,500) each per annum, and three copyists who shall receive a salary of one thousand two hundred dollars (\$1,200) each per annum; which salaries shall be paid by the county in monthly installments in the form and in the manner and out of the same fund as the salary of other county officers are paid. Recorder.

4. The auditor, one thousand eight hundred dollars (\$1,800) per annum, and there is hereby allowed to the auditor one deputy auditor who shall be appointed by the auditor and who shall be paid a salary of two thousand four hundred dollars (\$2,400) per annum, which salary shall be paid by the county in monthly installments in the form and in the manner and out of the same fund as the salary of other county officers are paid. Auditor.

5. The tax collector, three thousand dollars (\$3,000) per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the tax collector a deputy to be appointed by the tax collector, who shall receive a salary of one hundred twenty-five dollars (\$125) per month, which salary shall be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salaries of other county officers are paid; *provided*, that the tax collector shall be allowed six hundred dollars (\$600) per annum for necessary clerical assistance when needed. Tax collector.

6. The assessor, four thousand dollars (\$4,000) per annum; and said assessor may appoint one chief deputy, who shall receive a salary of two thousand four hundred dollars (\$2,400) per annum, and two deputies who shall each receive a salary of one thousand five hundred dollars (\$1,500) per annum, which salaries shall be paid by the county in equal monthly installments; also he may appoint other field deputies whose compensation in the aggregate shall not exceed four thousand dollars (\$4,000) in any one year, payable to them in install- Assessor.

ments, at such time and in such amounts as may be designated by the assessor; *provided*, that the assessor shall file with the county auditor a verified statement showing in detail the amounts and the persons to whom said compensation is paid. All of the salaries of the above deputies shall be paid in the same manner and out of the same fund as the salaries of other county officials are paid.

The office of the county assessor shall be kept open on each and every day, except Sundays and legal holidays, from nine o'clock a.m. to twelve o'clock m. and from one o'clock p.m. to five o'clock p.m.

Treasurer.

7. The county treasurer, three thousand dollars (\$3,000) per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the treasurer a deputy, to be appointed by the treasurer, who shall receive a salary of two thousand dollars (\$2,000) per annum, which salary shall be paid by the county in monthly installments at the same time and in the same manner and out of the same fund as salaries of other county officials are paid.

Attorney.

8. The district attorney, four thousand dollars (\$4,000) per annum; *provided*, that in counties of this class there shall be and hereby is allowed to the district attorney one deputy to be appointed by the district attorney, who shall receive a salary of three thousand dollars (\$3,000) per annum, and one stenographer, which office is hereby created, to be appointed by the district attorney at a salary of one hundred twenty-five dollars (\$125) per month; which salaries of said deputy and said stenographer shall be paid in monthly installments at the same time and in the same manner and out of the same fund as the salaries of other county officials are paid.

Coroner.

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

Public
adminis-
trator.

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

Supt. of
schools.

11. The superintendent of schools, three thousand three hundred dollars (\$3,300) per annum. His office shall be kept open on all business days from nine a.m. to twelve m. and from one o'clock p.m. to five o'clock p.m. He shall be allowed his actual expenses, when visiting the schools of this county and such per diem as is now or may hereafter be allowed by law, for services as a member of the county board of education; *provided*, that in counties of this class there shall be and there hereby is allowed to the superintendent of schools a deputy to be appointed by the superintendent of schools, who shall receive from the county a salary of two thousand one hundred dollars (\$2,100) per annum and there is hereby allowed to the superintendent of schools, one clerk to be appointed by the superintendent of schools, who shall receive a salary of one thousand two hundred dollars (\$1,200) per annum, which salaries shall be paid by the county in equal monthly installments, and which said salaries shall be paid at the same time and in the same manner and out of

the same funds as is the salary of the superintendent of schools.

12. The county surveyor, two thousand five hundred dollars Surveyor. (\$2,500) per annum; *provided*, that if the county surveyor shall be appointed superintendent of the permanent highways in the county constructed under bond issue, under any statute of this state providing for the appointment of such superintendent, then and in that event said county surveyor shall receive a salary of four thousand dollars (\$4,000) per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the county surveyor the following deputies, who shall be appointed by the county surveyor, and who shall be paid salaries as follows:

One chief deputy county surveyor at a salary of one hundred fifty dollars (\$150) per month; one deputy county surveyor at a salary of one hundred twenty-five dollars (\$125) per month and one deputy at one hundred dollars (\$100) per month, all of which offices are hereby created; also said county surveyor may appoint another deputy or deputies, the compensation to said deputies or deputy in the aggregate not to exceed two thousand dollars (\$2,000) in any one year, payable to such deputy or deputies in such installments, at such time and in such amount as may be designated by the county surveyor; *provided, however*, that the county surveyor shall file with the county auditor a verified statement showing in detail the amounts and the persons to whom said compensation is paid. The salaries of said deputies and each of them shall be paid in the same manner and out of the same fund as the salaries of other county officers are paid.

13. The county librarian, two thousand one hundred dollars Librarian. (\$2,100) per annum.

14. In counties of this class, each member of the county Board of education. board of education shall receive five dollars for each day the board of education is in session, not to exceed a total of three hundred fifty dollars per annum. In addition each member shall receive the same mileage as is allowed the members of the board of supervisors of said county. Compensation of the members of the county board of education shall be payable out of the same funds and in the same manner as is the salary of the county superintendent of schools.

15. The justices of the peace shall receive the following Justices of the peace. 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 ten thousand or more, one hundred seventy-five dollars (\$175) per month, in townships where the population is four thousand and less than ten thousand, one hundred fifty dollars (\$150) per month, and said justices 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) per month; in townships where the population is

one thousand and less than two thousand, forty dollars (\$40) per month; in townships where the population is less than one thousand, twenty dollars (\$20) per month; *provided*, that the justice of the peace shall, before receiving his monthly salary, file with the auditor a statement of all fines received, together with the treasurer's receipt for same; *provided, further*, that no justice of the peace shall hold the office of city recorder.

Constables.

16. Constables shall receive the following monthly salaries to be paid each month as salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases; in townships where the population is ten thousand or more, one hundred twenty-five (\$125) per month; in townships where the population is four thousand and less than ten thousand, eighty dollars (\$80) per month; in townships where the population is two thousand and less than four thousand, seventy dollars (\$70) per month; in townships where the population is one thousand and less than two thousand, fifty dollars (\$50) per month; in townships where the population is less than one thousand, twenty-five dollars (\$25) per month. In addition to the monthly salary herein allowed each constable may retain for his own use such fees as are now or may hereafter be allowed by law for all services rendered by him in civil actions; each constable shall also be allowed all necessary expenses actually incurred by him in arresting, pursuing or conveying prisoners to court or to prison, and actual expenses incurred in serving any process in any criminal case pending in said county, which said expenses shall be audited and allowed by the board of supervisors out of the county treasury.

Population of townships.

17. For the purposes of subdivisions fifteen and sixteen of this section, the population of the several judicial townships shall be ascertained by the board of supervisors of said county at their regular meeting in the month of December following the election of justices of the peace and constables in said county, by multiplying by three the number of registered voters in said township as shown by the register prepared by the county clerk of said county for the general election next preceding the date of such determination. It is hereby found as a fact, that the salaries provided for in subdivisions fifteen and sixteen do not work an increase in the compensation and the same shall apply immediately to incumbents.

Supervisors

18. Each member of the board of supervisors, one thousand two hundred dollars (\$1,200) per annum, and their necessary expenses when attending to the business of the county, other than the meetings of the board at the county seat, and twenty cents (20c) per mile in traveling from his residence to the county seat; *provided*, that not more than one milcage 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.

Traffic officer.

19. The county traffic officer, two thousand seven hundred dollars (\$2,700) per annum; *provided*, that in counties of this

class there shall be and there is hereby allowed to the county traffic officer five deputies, which offices are hereby created. Said deputies shall be appointed by said county traffic officer and shall each receive a salary of two thousand five hundred twenty dollars, which shall be paid by said county in monthly installments at the same time, in the same manner and out of the same fund as the salary of the county traffic officer is paid. Said traffic officer and his said deputies shall provide their own motorcycles or other vehicles and gasoline and oil for the purpose of propelling the same, and shall pay all of the expense of the upkeep of said machines. All the provisions of this paragraph are to apply to the office of county traffic officer and his deputies whenever said office of county traffic officer is created by law.

20. The salaries of all county and township officers and their deputies shall be payable in monthly installments on the first day of each month. Salaries payable monthly.

21. For acting as a grand juror in the superior court, for each day's attendance per day, three dollars. For every mile actually traveled in attending court as a grand juror in going only, twenty-five cents (25c) per mile. Grand jurors

CHAPTER 34.

An act to amend section four thousand two hundred eighty-two of the Political Code, relating to salaries of officers in counties of the fifty-third class.

[Approved by the Governor April 2, 1925.]

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

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

4282. In counties of the fifty-third class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit: Counties of 53d class. salaries and fees of officers.

1. The county clerk, one thousand eight hundred dollars per annum. Clerk.

2. The sheriff, three thousand eight hundred dollars per annum. Sheriff.

3. The recorder, one thousand five 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 Recorder.

use all fees collected for filing and recording proofs of labor and notices of location of mining claims.

- Auditor. 4. The auditor, six hundred dollars per annum.
- Treasurer. 5. The treasurer, one thousand five hundred dollars per annum.
- Tax collector. 6. The tax collector, one thousand two hundred dollars per annum, and ten per cent of all licenses collected by him.
- Assessor. 7. The assessor, one thousand nine hundred dollars per annum.
- Attorney. 8. The district attorney, one thousand six hundred dollars per annum.
- Coroner. 9. The coroner, such fees as are now or may be hereafter allowed by law.
- Public administrator. 10. Public administrator, such fees as are now or may be hereafter allowed by law.
- Supt. of schools. 11. Superintendent of schools, one thousand eight hundred dollars per annum, and actual traveling expenses of visiting schools of the county.
- Surveyor. 12. The surveyor, such fees as are now or may be hereafter allowed by law.
- Justices 13. Justices of the peace, one hundred fifty dollars per annum.
- Constables. 14. Constables, ten dollars per month in addition to such fees as are now or may be hereafter allowed by law.
- Supervisors. 15. Supervisors, each the sum of nine 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.
- Jurors. 16. Grand jurors, and jurors of the superior court in civil and 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, twenty 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 35.

An act to amend section four thousand two hundred fifty-seven of the Political Code, relating to the compensation of officers in counties of the twenty-eighth class.

[Approved by the Governor April 3, 1925.]

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

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

4257. In counties of the twenty-eighth class the county and township officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries and fees, to wit: Counties of 28th class: salaries and fees of officers.

1. The county clerk, three thousand dollars per annum. Clerk.
 In counties of this class the county clerk is hereby allowed a deputy clerk, which office is hereby created, at an annual salary of one thousand eight hundred dollars. In counties of this class there shall be and there is hereby allowed to the county clerk for his own use and to be paid out of the county treasury monthly in the same manner as salaries of other county officers are paid the sum of five cents for the name of each defendant entered in the index labeled "general index defendants" as provided in subdivision four of section four thousand one hundred seventy-eight; and the further sum of five cents for each document recorded by said county clerk under the provisions of section one thousand three hundred eighty-seven of the Code of Civil Procedure; and the further sum of five cents for each name contained in the index of registration books, to be prepared by said clerk, under the provisions of section one thousand one hundred fifteen of this code; and the further sum of ten cents each for the filing and indexing of proceedings in coroner's inquests; *and provided, further*, that in any year when a registration of voters is required by law or supplements to be made thereto, the said county clerk may appoint such number of registration deputies as may be necessary for the convenient registration of voters, each of said deputies to receive the sum of ten cents per name for each and every elector registered by him; said registration deputies to be paid for their services on the presentation and filing with the board of supervisors of said county, a duly verified claim therefor on the general fund of said county, as proper allowance of said claim by said board of supervisors.

2. The sheriff, six thousand dollars per annum. Sheriff.
 The board of supervisors shall allow to the sheriff his necessary expenses for pursuing criminals, or transacting any criminal business, and for boarding prisoners in the county jail; *provided*, that the board of supervisors shall fix a reasonable price at which such prisoners shall be boarded, if not otherwise provided for in this title; *provided, further*, that the sheriff shall be entitled to receive and retain for his own use, all expenses necessarily incurred in conveying insane persons to and from the insane asylum, and in conveying persons to and from the state prisons, or other state institutions, which expenses shall be allowed by the board of examiners and collected from the state. The court shall also allow the sheriff his necessary expenses in keeping and preserving property seized on attachment or execution, to be paid out of the fees collected in the action. The sheriff shall not be entitled to any per diem for conveying persons to or from the said prisons or to or from the insane asylums or other state institutions. He shall have one deputy to be

appointed by the sheriff, at a salary of one thousand five hundred dollars per annum, which office is hereby created.

Recorder. 3. The recorder, two thousand four hundred dollars per annum; *provided*, that said salary shall not become effective until January 1, 1927. He shall have two deputies, to be appointed by the recorder, at a salary of one thousand two hundred dollars per annum, each, which offices are hereby created.

Auditor. 4. The auditor, two thousand four hundred dollars per annum. He shall have one deputy at a salary of one thousand five hundred dollars per annum, to be appointed by the auditor, which office is hereby created, and shall employ such assistants as may be necessary for the purpose of extending the tax rolls; *provided*, that no more than seven hundred dollars shall be expended for such assistants in any one year.

Treasurer. 5. The treasurer, two thousand five hundred dollars per annum; *provided*, that said salary shall not become effective until January 1, 1927.

Tax collector. 6. The tax collector, two thousand two hundred dollars per annum. He shall have one deputy at a salary of one thousand five hundred dollars per annum, to be appointed by the tax collector, which office is hereby created.

License collector. 7. The license collector, seven hundred dollars per annum, but he shall receive no fees nor commissions on the amount of licenses collected, nor for any other service required by law.

Assessor. 8. The assessor, three thousand six hundred dollars per annum, but he shall receive no fees nor commissions on personal property taxes collected, nor for making up military roll, nor for any other service required by law. He shall have one office deputy at a salary of one thousand eight hundred dollars per annum, and eight field deputies for a period not exceeding two months of each year, at a salary of one hundred fifty dollars per month, each, all to be appointed by the assessor; *provided, however*, that the provisions of this section shall not take effect during the term of office of the present incumbent.

Attorney. 9. The district attorney, three thousand dollars per annum, and his traveling, office and other expenses in criminal matters, and cases, and in civil actions, proceedings and all other matters in which the county is interested, incurred by him in the performance of his duties, and all the expenses incurred by him in the detection of crime and prosecution of criminal cases and in civil actions and proceedings and in all other matters in which the county is interested; *provided, however*, that this salary shall not become effective until the first day of January, 1927.

The district attorney is hereby allowed a stenographer, which office is hereby created, at an annual salary of one thousand two hundred dollars.

Coroner. 10. The coroner, such fees as are now or may be hereafter allowed by law.

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

12. The superintendent of schools, three thousand dollars ^{Supt. of schools} and actual traveling expenses when visiting the schools of his county. He shall have one deputy, to be appointed by the superintendent of schools, at a salary of one thousand two hundred dollars per annum, which office is hereby created.

13. The surveyor, such fees as are now or may be hereafter ^{Surveyor} allowed by law.

14. The justice of the peace shall receive the following ^{Justices of the peace.} monthly salaries, to be paid each month as the salaries of the county officers are paid, which shall be payment in full for all services rendered by them: (1) In townships having a population of five thousand or more, one hundred 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 seventy-five dollars per month; (2) in townships having a population of two thousand five hundred and less than five thousand, seventy-five dollars per month; (3) in townships having a population of one thousand five hundred and less than two thousand five hundred, sixty dollars per month; (4) in townships having a population of one thousand and less than one thousand five hundred, fifty dollars per month; (5) in townships having a population of five hundred and less than one thousand, forty 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. The population of township shall, for the purposes of this section, be determined by the census last had by the federal government.

15. Each member of the board of supervisors shall be ^{Supervisors.} allowed the sum of seventy-five dollars for each meeting of said board; *provided*, that no member shall be allowed to receive pay for more than twelve meetings during any one year; and the further sum of twenty cents per mile, mileage in traveling to and from his residence to the county seat; and for his services as road commissioner, he shall receive twenty cents per mile for all distances actually traveled by him in the performance of his duties within the county; *provided*, he shall not in any one year receive more than six hundred dollars as such road commissioner.

16. Constables, the following monthly salaries to be paid ^{Constables.} each month as the salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases, except as in this subdivision provided: (1) In townships where the population is five thousand or more, sixty dollars per month; (2) in townships having a population of two thousand five hundred and less than five thousand, fifty dollars per month; (3) in townships having a population of one thousand five hundred and less than two thousand five hundred, forty dollars per month; (4) in townships having a population of one thousand and less than one thousand five hundred, thirty dollars per month; (5) in townships having a population of

less than one thousand, twenty dollars per month. In addition to the monthly salaries 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. The constable shall also, in addition, receive three dollars per day for attending court when required to do so during the actual trial of the issue of fact of a case, or during the examination of a criminal charge before a magistrate, while the evidence is being taken, and not otherwise; *provided*, that no more than three dollars shall be charged or received for any one day; *and provided, further*, that when the constable is required to attend upon the trial of more than one civil case on the same day, his fees for attendance shall be equally apportioned to the civil cases. Constables may also, when necessary, by first obtaining an order from the district attorney of the county or from a judge of the superior court of this state, employ a temporary guard for the safe-keeping or protection of prisoners, and shall be entitled to collect the actual reasonable cost thereof as a county charge. Constables shall also be entitled to receive, in addition to the fees and salaries in this subdivision provided for, the moneys actually disbursed by them in conveying prisoners or insane persons to the county seat, and all expenses, actually incurred in the pursuit within the county of insane persons or criminals charged with a felony, and the same shall be a county charge. The population of townships shall, for the purposes of this section, be determined by the census last had by the federal government.

Jurors.

17. In counties of this class grand jurors and trial jurors in the superior courts of said counties, shall receive the sum of three dollars for each day's attendance, and for each mile actually and necessarily traveled from their residence to the place of service, in going only, the sum of twenty cents per mile, such mileage to be allowed but once during any one session of such court or grand jury. In counties of this class, jurors in justices' courts and recorders' courts and coroner's inquests, shall receive for each day's attendance, the sum of two dollars, and for each mile actually and necessarily traveled from their residence to the place of service, in going only, the sum of ten cents per mile; *provided*, that the fees of 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 municipalities in which such court is or may be established.

Constitutionality.

The legislature hereby declares that 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 remaining portions of this act.

Salaries payable monthly.

18. The salaries of all deputies and assistants provided for in this act shall be paid by the county, monthly, in the same manner and from the same fund as the county officers are paid.

CHAPTER 36.

An act to amend section four thousand two hundred fifty-eight of the Political Code, relating to salaries of officers of counties of the twenty-ninth class.

[Approved by the Governor April 3, 1925.]

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

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

4258. In counties of the twenty-ninth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit:

Counties of
29th class:
salaries and
fees of
officers.

1. The county clerk, two thousand seven hundred dollars per annum, and one deputy at a salary of one thousand six hundred twenty dollars per annum, and one deputy at a salary of one thousand three hundred twenty 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; *provided, further, however*, that in each year in which a new and complete registration of voters is required by law the county clerk may appoint an additional deputy or deputies whose compensation in the aggregate shall not exceed four hundred dollars in any one year; and *provided, further*, that the county clerk shall file with the county auditor a certified statement showing in detail the amount and persons to whom said compensation is paid. Such salaries of such deputies shall be paid out of the same fund as the salaries of the other county officers are paid.

Clerk.

2. The sheriff, three thousand dollars per annum and all fees for the service of process issued without his county. One bailiff at a salary of eighty dollars per month. One deputy at a salary of two thousand dollars per annum, and two deputies at a salary of one thousand three hundred fifty dollars per annum each, which offices are hereby created. The salary of said deputies payable monthly in the same manner as the salaries of the other county officers are paid.

Sheriff.

3. The recorder, two thousand four hundred dollars per annum. He shall have one deputy at a salary of one thousand five hundred dollars per annum, which office is hereby created, one copyist at a salary of one thousand two hundred dollars per annum, and one copyist for three months of each year at a salary of one hundred dollars per month. The salaries of said deputy and copyist payable monthly in the same manner as the salaries of other county officers are paid.

Recorder.

4. The auditor, two thousand four hundred dollars per annum and one deputy at a salary of one thousand five hundred sixty dollars per annum, and one deputy for two months of each year at a salary of one hundred dollars per month,

Auditor.

the salary of said deputies payable monthly in the same manner as the salaries of other county officers are paid.

Treasurer. 5. The treasurer, two thousand four hundred dollars per annum.

Tax collector. 6. The tax collector, two thousand four hundred dollars per annum. He shall have one deputy at a salary of one thousand five hundred dollars per year and two deputies for four months of each year at a salary of one hundred dollars per month each, which offices are hereby created, the salary of said deputies payable monthly in the same manner as the salaries of other county officers are paid.

Assessor. 7. The assessor, two thousand four hundred dollars per annum; one chief deputy assessor, at a salary of one hundred thirty-five dollars per month; one deputy assessor at a salary of one hundred dollars per month for seven months in each year, from January first to August first; one copyist, for five months in each year, from March first to August first, at a salary of one hundred dollars per month, the salaries of said chief deputy assessor, deputy assessor and copyist payable in the same manner and at the same time as the salaries of the other county officers are paid.

The assessor shall appoint such field deputies as he may require; *provided*, that the compensation of such additional deputies shall not exceed in all the sum of three thousand dollars in any one year; and *provided*, that said field deputies shall file monthly with the assessor and county auditor a verified statement showing in detail the amount of time consumed in actual assessment work; the salaries of said field deputies shall be paid by the county monthly, in the same manner and at the same time as the salaries of the other county officers are paid. Said salary of the assessor shall be in full for all services rendered by him, and he shall pay all fees received into the county treasury.

Attorney. 8. The district attorney, two thousand seven hundred dollars per annum; one deputy at a salary of one thousand five hundred dollars per annum and one stenographer at an annual salary of one thousand two hundred dollars, which office is hereby created. It is hereby found as a fact that the salaries provided for in this subdivision do not work an increase in compensation and the same shall apply immediately to incumbents.

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

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

Supt. of schools. 11. The superintendent of schools, two thousand two hundred dollars per annum, and one deputy at a salary of one thousand five hundred dollars per annum, payable monthly in the same manner as the salaries of other county officers are paid; *provided*, that in counties of this class the county superintendent of schools shall receive and retain for his own use the sum of five dollars per diem for each and every day

he attends the meetings of the county board of education, and shall also be allowed his actual and necessary traveling expenses in visiting the schools of the county.

12. The surveyor, ten dollars per day 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. Surveyor.

13. Supervisors, each the sum of one thousand two 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 capacity. Supervisors.

14. 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 all cases; in townships having a population of seven thousand or more, one thousand eight hundred dollars per year; in townships having a population of less than seven thousand and more than three thousand, eighty dollars per month; in townships having a population less than three thousand and more than seven hundred fifty, fifty dollars per month; in townships having a population of less than seven hundred fifty, ten dollars per month. Justices of the peace.

15. Constables 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 all cases; in townships having a population of seven thousand or more, one thousand eight hundred dollars per year; in townships having a population of less than seven thousand and more than three thousand, eighty dollars per month; in townships having a population of less than three thousand and over seven hundred fifty, fifty dollars per month; in townships having a population of less than seven hundred fifty, ten dollars per month. Constables shall also be allowed mileage of eight cents per mile each way for necessary mileage traveled within the county, in the performance of their official duties, both civil and criminal. Constables.

16. Grand jurors and trial jurors in the superior court shall receive for each day's attendance per day the sum of three dollars. In justices' courts in civil and criminal cases, the jurors sworn to try the case shall receive for each day's attendance per day the sum of two dollars. All jurors shall receive for each mile actually and necessarily traveled from his residence to the place of service the sum of fifteen cents per mile; *provided*, that in justice courts mileage shall be allowed only to those sworn to try the case. Jurors.

17. The county librarian shall receive one thousand eight hundred dollars per annum. Librarian.

CHAPTER 37.

An act to amend section one hundred seventy-two a of the Civil Code, relating to the management, control, and transfer of real property.

[Approved by the Governor April 3, 1925.]

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

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

Management of community property.

172a. The husband has the management and control of the community real property, but the wife must join with him in executing any instrument by which such community real property or any interest therein is leased for a longer period than one year, or is sold, conveyed, or encumbered; *provided, however,* that nothing herein contained shall be construed to apply to a lease, mortgage, conveyance, or transfer of real property or of any interest in real property between husband and wife; *provided, also, however,* that the sole lease, contract, mortgage or deed of the husband, holding the record title to community real property, to a lessee, purchaser or encumbrancer, in good faith without knowledge of the marriage relation shall be presumed to be valid; but no action to avoid such instrument shall be commenced after the expiration of one year from the filing for record of such instrument in the recorder's office in the county in which the land is situate.

CHAPTER 38.

An act to amend section nineteen x twenty-nine of an act known as the "juvenile court law," approved June 5, 1913, as amended, referring to salary of probation officer in counties of twenty-ninth class.

[Approved by the Governor April 3, 1925.]

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

Stats. 1921, p. 1458, amended.

SECTION 1. Section nineteen x twenty-nine of an act known as the "juvenile court law," approved June 5, 1913, as amended, is hereby amended to read as follows:

Counties of 29th class: salary of probation officer.

19x29. In counties of the twenty-ninth class there shall be one probation officer whose salary shall be one thousand two hundred dollars per annum. In counties of the twenty-ninth class the probation officer shall perform, in addition to his duties as probation officer, the duties of investigator for the board of supervisors, on applications for county and state aid, without additional compensation, except his necessary expenses and mileage, not to exceed in the aggregate the sum of three hundred dollars per annum.

CHAPTER 39.

An act to prevent the spread of certain species of plant pests by means of containers, appliances or articles used in connection with various agricultural commodities, to confer upon the director of the department of agriculture the power to designate such species and such treatment therefor as he shall deem adequate to prevent such spread, to confer upon the county horticultural commissioners the power to prescribe such treatment, to prohibit the transportation from or into any county or locality of the state of any such containers, appliances or articles unless proof shall have been furnished that the same have not been exposed to infection or infestation by such plant pests, to make a violation of the provisions hereof a misdemeanor, and to repeal an act entitled "An act for the prevention, eradication and control of insect pests and diseases affecting grapes, defining the powers and duties of the director of agriculture in relation thereto," approved June 3, 1921.

[Approved by the Governor April 3, 1925.]

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

SECTION 1. To prevent the spread of certain insect pests and plant diseases which may be distributed through the agency of picking boxes, trays, containers or other appliances or articles used in connection with various agricultural commodities, the director of the department of agriculture may from time to time publish a list of such species of insect pests and plant diseases as may be carried in the manner aforesaid, designating such treatment as in his opinion would prevent the distribution of such insect pests and plant diseases through the agency of such containers, appliances or articles.

Prevention of spread of insect pests and plant diseases.

SEC. 2. Whenever any lot of boxes, trays, containers or other appliances or articles shall be found to be actually infested with any such insect pest or plant disease, the director of the department of agriculture or the county horticultural commissioner may serve notice thereof in writing upon the owner or owners or person in charge or in possession of said articles, and it shall be unlawful to move said articles from the property or premises on which they were found or seized, excepting under written permit of said director or commissioner, until the same have been treated in the manner prescribed as hereinbefore provided.

Prohibiting removal of infested containers.

SEC. 3. It shall be unlawful for any person, copartnership, corporation or association to transport or to ship or to move any boxes, trays, containers or other appliances or articles from any county or locality to another county or locality within the state unless he shall furnish to the horticultural commissioner of the county of destination such proof as said commissioner may require that such containers, appliances or articles have not been exposed to infestation or infection by any of said insect pests or plant diseases, or that such containers,

Transportation of containers to other localities.

appliances or articles have been treated immediately prior to shipment in the manner designated by the director of the department of agriculture as herein provided, and it shall be the duty of the horticultural commissioner of the county of destination to refuse entry to any such containers, appliances or articles in the manner provided by law until such proof shall have been furnished; *provided*, that such containers, appliances or articles may be moved to a place designated by such horticultural commissioner for the purpose of treatment under the supervision of such horticultural commissioner.

Expense of
treatment.

SEC. 4. Any treatment which may be required under the provisions of this act shall be at the expense of the owner or owners, their agents, or persons in charge or in possession thereof at the time of treatment.

Penalty.

SEC. 5. Any person, copartnership, corporation or association who shall violate any of the provisions of this act shall be guilty of a misdemeanor.

Stats. 1921,
p. 1257,
repealed.

SEC. 6. That certain act entitled "An act for the prevention, eradication and control of insect pests and diseases affecting grapes, defining the powers and duties of the director of agriculture in relation thereto," approved June 3, 1921, is hereby repealed.

CHAPTER 40.

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

[Approved by the Governor April 6, 1925.]

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

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

Hunting
beaver
prohibited.

626p. Every person who, except in fish and game districts one, two, and three, takes, catches or kills, or has in his possession any beaver, or who, except in fish and game districts one, two, and three, has in his possession any green beaver hides, is guilty of a misdemeanor.

Permit.

(a) *Provided*, that the state fish and game commission may in writing authorize any person to take, catch or kill any beaver, when notice in writing is given the state fish and game commission that beavers are endangering or destroying the levees or other protective works of any reclamation district, levee district, or swamp-land district.

Disposal
of hides.

(b) *Provided, further*, that the person or persons so taking, catching or killing any such beavers shall, within ten days thereafter, report in writing such taking, catching or killing and the place thereof to the state fish and game commission, and the state fish and game commission may thereupon issue permission in writing for the disposal of such hide or pelt so taken, caught or killed.

Exception.

(c) *Provided, further*, that the provisions of this section shall not apply to the skin or pelt of any beaver taken, caught

or killed in any other state or country in which the taking, catching, killing and sale of beavers is permitted.

(d) Every person found guilty of a violation of the provisions of this section must be fined in a sum not less than twenty-five dollars, nor more than five hundred dollars, or imprisonment in the county jail of the county in which the conviction shall be had not less than twenty-five days, nor more than one hundred fifty days, or by both such fine and imprisonment. Penalty.

CHAPTER 41.

An act to amend section six 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, as amended.

[Approved by the Governor April 6, 1925.]

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

SECTION 1. Section six of an act entitled "An act to provide for the 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, as amended, is hereby amended to read as follows: Stats. 1909,
p. 1037,
amended.

Sec. 6. Upon the passage of said ordinance ordering said improvement, the city attorney shall bring said action, which action shall be commenced within a period not exceeding one hundred eighty days from the date said ordinance ordering said improvement becomes effective. Said action shall in all respects be subject to and governed by such provisions of the Code of Civil Procedure now existing or that may be hereafter adopted, as may be applicable thereto, except in the particulars otherwise provided for in this act. Actions
when to be
brought.

Procedure.

CHAPTER 42.

An act to aid commerce and navigation by authorizing certain improvements in and about Islais creek and as a means thereof creating a reclamation district to be called and known as the "Islais creek reclamation district," fixing the boundaries thereof, providing for the management and control thereof, vesting certain powers therein, and

authorizing a method for the reclamation of the lands of said district; and to aid and assist such works of reclamation granting to the city and county of San Francisco and its successors any title of the state in or to any public highways lying in said district with certain reservations; and dissolving any reclamation district wholly situate within the boundaries of said Islais creek reclamation district.

[Approved by the Governor April 6, 1925.]

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

Islais creek
reclamation
district
created.

SECTION 1. Whereas, to aid commerce and navigation it is necessary to dredge Islais creek in the city and county of San Francisco, to dredge the shoals in the bay of San Francisco lying off the mouth of Islais creek, and to reclaim the old salt marsh and tidelands now lying in the district hereinafter described so that they may become a useful adjunct to commerce and navigation, and whereas the government of the United States is willing to dredge said shoals, and the board of state harbor commissioners of the State of California is willing to dredge said Islais creek, provided the lands in said district be fully reclaimed, and thereby develop commerce and navigation at that point; be it therefore enacted that a reclamation district is hereby created to be called and known as the "Islais creek reclamation district" with the powers and duties and exterior boundaries as hereinafter set forth and described.

Boundaries
of district.

SEC. 2. The said Islais creek reclamation district shall comprise those certain lots, pieces and parcels of land, streets, and canals or portions thereof lying within the city and county of San Francisco, State of California, and within that territory whose exterior boundaries are described as follows:

Beginning at a point on the westerly line of Third street distant thereon seventy-five (75) feet southerly from the southerly line of Twenty-fifth street, running thence westerly parallel with said southerly line of Twenty-fifth street to the westerly line of Iowa street, running thence southerly along the westerly line of Iowa street to the southerly line of Army street, running thence westerly along the southerly line of Army street to a point thereon distant thereon one hundred (100) feet westerly from the westerly line of Missouri street, running thence southerly parallel with said westerly line of Missouri street two hundred and fifty (250) feet, running thence westerly to a point on the westerly line of Arkansas street projected southerly distant thereon five hundred and twenty (520) feet southerly from the northerly line of Army street, running thence westerly to a point on the easterly line of Wisconsin street, projected southerly, distant thereon four hundred (400) feet southerly from the southerly line of Army street, running thence northerly along the easterly line of Wisconsin street, projected southerly, four hundred feet to the southerly line of Army street, running thence westerly along the southerly line of Army street to a point distant

thereon one hundred (100) feet easterly from the easterly line of De Haro street, running thence at right angles southerly one hundred and sixty-two (162) feet, running thence southwesterly to a point on the westerly line of De Haro street distant thereon three hundred (300) feet southerly from the southerly line of Army street, running thence southerly along the westerly line of De Haro street 124 feet, running thence westerly parallel with Army street two hundred and eighty (280) feet to the westerly line of Rhode Island street, running thence northerly along the westerly line of Rhode Island street one hundred and fifty-four (154) feet, running thence at right angles westerly one hundred and forty-six (146) feet, running thence at right angles northerly two hundred and seventy (270) feet to the southerly line of Army street, running thence westerly along the southerly line of Army street to the easterly line of San Bruno avenue, running thence southerly along the easterly line of San Bruno avenue to the northeasterly line of Oakdale avenue, running thence southeasterly along the northeasterly line of Oakdale avenue to the northwesterly line of Quint street, running thence northeasterly along the northwesterly line of Quint street to a point thereon which is distant sixty-five (65) feet at right angles westerly from the center line of a double track trestle of the Southern Pacific railroad as at present constructed, running thence northerly parallel with said center line of said double track trestle and distant sixty-five (65) feet at right angles westerly therefrom to the northerly line of Islais street projected westerly running thence easterly along the northerly line of Islais street projected westerly and along the northerly line of Islais street to the westerly line of Third street, running thence northerly along the westerly line of Third street to the point of beginning.

SEC. 3. Except as otherwise provided in this act, the management and control of said Islais creek reclamation district is hereby made subject to the provisions of article two of chapter one of title eight of part three of the Political Code of the State of California, relating to reclamation districts. Management and control.

SEC. 4. The management and control of said Islais creek reclamation district shall be vested in three trustees. Trustees. Colbert Coldwell, M. M. O'Shaughnessy and Stuart F. Smith of the said city and county of San Francisco are hereby appointed trustees for said Islais creek reclamation district, and they shall hold office for a term of four years and until their successors are elected or appointed and qualified. Election. An election of three trustees shall be held in said district on the third Tuesday in October, one thousand nine hundred twenty-nine, and on the third Tuesday in October every four years thereafter, at which said elections the trustees of the said district are to be elected, except as otherwise provided in this act, in accordance with the provisions of section three thousand four hundred ninety-one of the Political Code of the State

- Term.** of California thereunto appertaining and upon such notice as is required thereby and the trustees so elected shall hold office for a term of four years and until their successors are
- Vacancies.** elected or appointed and qualified. In case of any vacancy in the office of trustees of said district the mayor of the city and county of San Francisco, State of California, shall appoint some person as trustee who shall hold said office until the next election.
- Office.** SEC. 5. The office and principal place of business of said district shall be in the city and county of San Francisco and in such place as the board of trustees may from time to time
- Funds.** fix. All funds of said district shall be deposited with the city and county treasurer of the said city and county of San Francisco, and be placed by him to the credit of the district in a special fund to be known as the "Islais creek reclamation district fund," and shall be disbursed by the treasurer of said city and county in payment of the warrants of the district.
- Jurisdiction of supervisors.** SEC. 6. The board of supervisors of the city and county of San Francisco shall have jurisdiction of all matters concerning said district to the same extent as if the said district were formed under the provisions of the said Political Code of the State of California, except as otherwise provided in this act.
- By-laws.** SEC. 7. A majority of the board of trustees of said district shall adopt by-laws, not inconsistent with the laws of the State of California, for the government and control of the affairs of the district. The by-laws thus adopted must be signed by a majority of the board of trustees, and must be by them filed with the county recorder of the city and county of San Francisco, and by him recorded in a book kept by him for the purpose of recording instruments and writings relating to reclamation. The by-laws thus adopted may be amended at any time in the same manner that the original by-laws were adopted.
- Officers and employees.** SEC. 8. The board of trustees may elect one of its members president thereof, may elect one of its members or any other person secretary thereof, may employ such clerks and legal counsel as may be necessary, and may employ engineers and others to survey, plan, locate and estimate the cost of work necessary for the reclamation of the lands of the district and to render all other necessary services, and may fix or agree upon their compensation and provide for the payment thereof as an expense of said district.
- Compensation.**
- Authority to reclaim lands.** SEC. 9. The said Islais creek reclamation district shall have power to reclaim and protect the lands of said district by making, constructing and maintaining such fills, drains, canals, sluices, bulkheads, water gates, levees, embankments and pumping plants as in the opinion of said trustees are or may be necessary to the general plan or plans decided upon by said trustees for the reclamation of said district, and may contract for such material, supplies, labor and machinery

as may be necessary for those purposes. The said district ^{Fills.} may fill the lands of said district in private ownership and the streets lying therein and thereby raise them to the official street grades as the same may be now or hereafter legally established, and to that end, may, if necessary obtain the right to do so by purchase, by agreement with the owners thereof, by condemnation or other legal means. The said district may secure material to make such fills by contract or agreement with the United States and State of California and any department, bureau, agency, or authorized officer or agent of either or both, including the board of state harbor commissioners of the State of California and with the city and county of San Francisco, or any department, bureau, agency, or authorized officer or agent thereof, or with any other person, firm or corporation, and to secure material to make such fills, the said district may provide for the dredging ^{Dredging.} and widening of that portion of Islais creek channel lying within the exterior boundaries of said district, provided its plans for dredging or widening or in any way affecting said portions of Islais creek channel are first submitted to and approved by said board of state harbor commissioners. The legislature of the State of California hereby declares that it is necessary for the reclamation of the lands of said district not only that the proper drains, canals, sluices, bulkheads, water gates, levees and embankments and other usual works be constructed and maintained but that the lands thereof in private ownership and the streets lying therein be filled and raised to the official street grades as the same are now or may be hereafter legally established.

SEC. 10. In order to aid and assist the reclamation authorized by this act, there is hereby granted to the city and county of 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 in and to all the public highways lying in said district and in and to the lands within the boundaries of such public highways; *provided, however,* that nothing contained in this act shall affect the jurisdiction, possession and control of the board of state harbor commissioners of the State of California, of those portions of those streets in said city and county of San Francisco lying in said district which are declared by the provisions of section two thousand five hundred twenty-four of the Political Code of the State of California to be within their jurisdiction, possession and control, or shall affect the jurisdiction, possession and control of the said board of state harbor commissioners of any part of said Islais creek channel lying within the exterior boundaries of said district.

SEC. 11. The board of trustees of said district shall have ^{Plans.} power to adopt a plan or plans for the reclamation of said district, and thereafter at any time in its discretion may modify or change such original plan or plans, or adopt new, supplemental or additional plan or plans, when in its judg-

General
powers of
district.

ment the same shall have become necessary. The said district shall have power to acquire by lease, purchase, agreement, condemnation or other legal means, all property, easements, rights of way and the right to take material for the construction of all works necessary for the accomplishment of its object, and the right to contract for all necessary labor, supplies, material and machinery and to lease or acquire by purchase, agreement, condemnation or other legal means, any works of reclamation, including drains, canals, sluices, bulkheads, water gates, levees, embankments and pumping plants which in the opinion of said board of trustees are or may be necessary to the general plan or plans decided upon by said trustees for the reclamation of said lands. The said district shall also have the right and power to join with other reclamation districts, levee districts, or swamp land districts, with the United States, the State of California, the city and county of San Francisco, or any of their departments, bureaus, agencies or authorized officers or agents, with the said board of state harbor commissioners, or with other persons in the construction and maintenance of reclamation works and to contract for the same and to do all other acts incident or necessary, in the opinion of said board of trustees, to the reclamation of the lands of said district. Except as otherwise provided in this act, the said Islais creek reclamation district and its trustees shall be subject to and controlled by the provisions of the following sections of the Political Code of the State of California, viz, sections 3453, 3454, 3455, 3456, 3457, 3459, 3460, 3461, 3462, 3463, 3464, 3465, 3466, 3466½ (both sections bearing that number), 3471, 3476, 3480, 3480½ (both sections bearing that number), 3484, 3489a, 3491, and 3493, and all other provisions of said Political Code relating to reclamation districts, and said Islais creek reclamation district and its board of trustees shall have all the rights and privileges and may exercise all the powers any reclamation district or its trustees may have or exercise under said provisions of said Political Code, or under any general laws of the State of California relating to reclamation districts, and to provide for the costs of the works of reclamation and the other authorized expenses of said Islais creek reclamation district assessments may be made and levied upon the lands in said district and become a charge and lien thereon, warrants may be drawn and issued, and a bonded indebtedness may be created and bonds therefor may be executed, sold and issued in the manner authorized by said provisions of said Political Code or by the provisions of said general laws relating to reclamation districts.

Finances.

Limitation
of powers.

SEC. 12. Nothing contained in this act shall authorize the extension of Islais creek channel into or through Mississippi street or any part thereof, if said Mississippi street were projected southerly upon its present course, or authorize the charging or assessment of state or municipal property for the costs of the reclamation works authorized by this act or for any of the expenses of said district. Nor shall anything con-

tained in this act authorize the filling or raising of any streets lying in said district to the official street grades as the same are now or may be hereafter legally established, unless the plans of said district therefor are first submitted to and approved by the board of supervisors of said city and county of San Francisco. Nor shall anything contained in this act affect the power of said city and county of San Francisco to open, extend, widen, pave, grade or otherwise improve or to close, abandon or otherwise dispose of any public highway in said district in the manner authorized by law.

SEC. 13. Any reclamation district wholly situate within the boundaries of said reclamation district is hereby dissolved, except for the purpose of liquidation, if such be necessary, and the disposition of its property, if any there be, and for this purpose only is the existence of such a district continued. Any land situate within the boundaries of Islais creek reclamation district is hereby excluded from any such reclamation district.

Dissolution
of existing
districts.

SEC. 14. The board of trustees of said Islais creek reclamation district may commence a proceeding in the superior court of the State of California in and for the city and county of San Francisco to determine the legality of the existence of said district and may prosecute such a proceeding to a final judgment therein in the manner authorized by the provisions of section three thousand four hundred fifty-three of the Political Code of the State of California, and the other laws of the State of California applicable to such a proceeding.

Legality
of district.

SEC. 15. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Constitutionality.

SEC. 16. This act may be cited as the Islais creek reclamation district act.

Citation
of act.

CHAPTER 43.

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

[Approved by the Governor April 6, 1925.]

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

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

4234. In counties of the fifth class the county and township officers shall receive the following salaries:

1. The county clerk, four thousand twenty dollars per annum; *provided*, that in counties of this class there shall be

Counties of
5th class:
salaries and
fees of
officers.

Clerk.

and there is hereby allowed to the county clerk one chief deputy who shall receive a salary of two thousand seven hundred dollars per annum; one deputy county clerk who shall be a registrar of voters who shall receive two thousand two hundred eighty dollars per annum; one deputy who shall be assistant registrar of voters who shall receive one thousand six hundred twenty dollars per annum; four court clerks who shall receive salaries of two thousand one hundred dollars each per annum; one index clerk who shall receive a salary of one thousand eight hundred dollars per annum; one judgment clerk who shall receive a salary of two thousand one hundred dollars per annum; one deputy clerk who shall receive a salary of one thousand nine hundred twenty dollars per annum; one stenographer who shall receive a salary of one thousand five hundred dollars per annum; two copyists who shall receive salaries of one thousand five hundred dollars each per annum; and a deputy or deputies not to exceed eight, for the purpose of registering electors, to be paid not to exceed five dollars per diem each; *provided*, that such deputies shall not be employed except during a year when a general election is to be held throughout the state and not more than one deputy for each precinct for the purpose of registering electors during said year of the general election, who shall be paid ten cents per name for each person legally registered by them; *provided*, that if in counties of this class, there shall be created an additional department of the superior court, then and in that event, the county clerk shall be allowed an additional court clerk, who shall receive a salary of two thousand one hundred dollars per annum, which sum shall be paid out of the county treasury in equal monthly installments at the same time and in the same manner as the other county officials are paid; the salaries and compensation 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.

Sheriff.

2. The sheriff, four thousand twenty dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed the sheriff one undersheriff whose salary is hereby fixed at the sum of two thousand seven hundred dollars per annum; and the following deputies and employees: One deputy who shall be head jailer, and who shall receive a salary of two thousand one hundred dollars per annum; one deputy who shall receive a salary of two thousand four hundred dollars per annum; one deputy who shall receive a salary of one thousand six hundred twenty dollars per annum; four deputies who shall receive salaries of two thousand one hundred dollars each per annum; four deputies who shall receive salaries of one thousand eight hundred dollars each per annum; one stenographer who shall receive a salary of one thousand five hundred dollars per annum; one bookkeeper who shall receive a salary of one thousand eight hundred dollars per annum; six deputies who shall be turnkeys at the jail whose salaries shall be one

thousand six hundred twenty dollars each per annum, but no more turnkeys are to be employed than are absolutely necessary to handle the requirements of the jail; such country deputies as may be necessary to properly administer the duties of said office at a compensation not to exceed six dollars and fifty cents per diem each, but not more than three thousand six hundred dollars shall be paid to all such deputies in any one year; in counties of this class there shall be a matron of the county jail, and at the discretion of the sheriff an assistant matron, each to be appointed by the sheriff and who, under the direction of the sheriff, shall have charge of the female prisoners in the county jail, and who shall receive salaries of one thousand five hundred dollars per annum and six hundred dollars per annum, respectively, 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 is the salary of the sheriff. In counties of this class the sheriff shall receive for his own use the fees, mileage and compensations provided by statute, and he shall be allowed by the board of supervisors his actual necessary expenses for pursuing criminals or for transacting business, and paid as other county charges are paid.

3. The recorder, four thousand twenty dollars per annum; **Recorder.** *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 a salary of two thousand seven hundred dollars per annum; one deputy who shall receive a salary of two thousand one hundred dollars per annum; four deputies who shall receive salaries of one thousand eight hundred dollars each per annum; two deputies who shall receive salaries of one thousand six hundred twenty dollars each per annum; and as many copyists as may be required, who shall receive as compensation the sum of seven cents per folio for recording all instruments or notices except maps and plats, and for copies of any records, seven cents per folio.

4. The auditor, four thousand twenty dollars per annum; **Auditor.** *provided*, that there is hereby allowed to the auditor the following deputies: One chief deputy who shall receive a salary of two thousand seven hundred dollars per annum; two deputies who shall receive salaries of two thousand one hundred dollars each per annum; one deputy who shall receive a salary of one thousand nine hundred eighty dollars per annum; two deputies who shall receive salaries of one thousand eight hundred dollars each per annum; one deputy who shall receive a salary of one thousand six hundred twenty dollars per annum; one stenographer who shall receive a salary of one thousand five hundred dollars per annum; and eight additional deputies at a salary of five dollars per day each, for each day employed for a period not to exceed one hundred fifty-six days in any one year; *provided, further*, that in counties of this class for bringing records down to

date in any office, 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.

Treasurer.

5. The treasurer, four thousand twenty dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the treasurer one deputy who shall receive a salary of two thousand seven hundred dollars per annum; 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 eight hundred dollars per annum.

Tax collector.

6. The tax collector, four thousand twenty dollars per annum; one chief deputy who shall receive a salary of two thousand seven hundred dollars per annum; three deputies who shall receive salaries of two thousand one hundred dollars each per annum; three deputies who shall receive salaries of one thousand eight hundred dollars each per annum; eight deputies who shall receive salaries of one thousand six hundred twenty dollars each per annum; a stenographer who shall receive a salary of one thousand five hundred dollars per annum; twenty-three additional clerks at a salary of five dollars per day each, for each day employed, for a period not to exceed one hundred fifty-six days in any one year.

Assessor.

7. The assessor, four thousand twenty 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 two thousand seven hundred dollars per annum; three deputies who shall receive salaries of two thousand one hundred dollars each per annum; three deputies who shall receive salaries of one thousand eight hundred dollars each per annum; two deputies who shall receive salaries of one thousand six hundred twenty dollars each per annum; forty deputies for a period not exceeding one hundred four days each in any one year; whose per diem shall be five 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 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 one of the Political Code. It is *further provided*, that in counties of this class the assessor shall be allowed his traveling expenses

in performing duties outside his office, said expenses, how ever, not to exceed three hundred dollars in any one year.

8. The district attorney, five thousand dollars per annum; Attorney. also one assistant district attorney, who shall receive a salary of three thousand six hundred dollars per annum; one deputy district attorney who shall receive a salary of three thousand three hundred dollars per annum; two deputy district attorneys who shall receive salaries of three thousand dollars each per annum; one deputy district attorney who shall receive a salary of two thousand seven hundred dollars per annum; one deputy district attorney who shall receive a salary of two thousand four hundred dollars per annum; one stenographer who shall receive a salary of one thousand eight hundred dollars per annum; two stenographers who shall receive salaries of one thousand five hundred dollars each per annum; and a detective who shall receive a salary of two thousand one hundred dollars per annum.

9. The superintendent of public schools, four thousand twenty dollars per annum; Supt. of schools. *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 four hundred dollars per annum; and one bookkeeper who shall receive a salary of one thousand eight hundred dollars per annum; two deputies who shall receive salaries of one thousand eight hundred dollars each per annum; one field assistant who shall receive a salary of two thousand four hundred dollars per annum.

It is *further provided*, that in counties of this class, the county school superintendent, his field assistant and his deputy shall receive their actual and necessary traveling expenses for visiting and examining schools and school properties of the county and performing such other duties as are incident to the full discharge of the requirements of the office of superintendent of schools, office of field assistant to the superintendent of schools and the office of deputy of the superintendent of schools, the claims for such expenses to be subject to the approval of the board of supervisors.

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

11. The coroner, three thousand six hundred dollars per annum, and in addition thereto the board of supervisors shall allow the coroner his actual traveling expenses and fifteen cents for each mile traveled by him when he provides his own conveyance in the performance of his official duties. In counties of this class there shall be and there is hereby allowed the coroner, one autopsy surgeon, who shall receive a salary of two thousand four hundred dollars per annum, and fifteen cents for each mile traveled when he provides his own conveyance in the performance of his official duties. The sheriff shall act as summoning officer for the coroner and shall serve all processes requested by him. Coroner.

Surveyor.

12. The surveyor, four thousand twenty dollars per annum; also one chief office deputy who shall receive a salary of three thousand dollars per annum; one chief field deputy who shall receive a salary of three thousand dollars per annum; two deputies who shall receive salaries of two thousand seven hundred dollars each per annum; two deputies who shall receive a salary of two thousand one hundred dollars each per annum; one stenographer and file clerk who shall receive a salary of one thousand six hundred twenty dollars per annum; and such chainmen and rodmen as may be necessary in the field, who shall receive a compensation of five dollars per diem each.

The county surveyor, his deputies and assistants shall be allowed their actual traveling expenses while in the performance of duties in the field.

The surveyor and his deputies are prohibited from engaging in private surveying or engineering work and shall devote their entire time and service to the work of the county.

Classification of townships.

13. Classification of townships. For the purpose of regulating the compensation of the justices of the peace and constables, townships in counties of this class are hereby classified as follows: Townships having a population of thirty thousand or more shall belong to and be known as townships of the first class; townships having a population less than thirty thousand shall belong to and be known as townships of the second class.

Justices of the peace.

14. Justices of the peace. In counties of this class, justices of the peace shall receive the following compensation, and all such salaries shall be paid monthly in the same manner as the salaries of county officers are paid, viz:

In townships of the first class, three thousand six hundred dollars per annum each.

In townships of the second class, seven hundred twenty dollars per annum each.

Such salaries shall be as full compensation for all services rendered by them in both civil and criminal cases. All fees chargeable and collectible by justices of the peace in civil and criminal cases for service rendered by them shall be paid monthly into the county treasury.

In townships of the first class the board of supervisors of counties of this class shall furnish the justices of the peace suitable courtrooms.

In townships of the first class, in counties of this class, there shall be two justices of the peace and the said offices are hereby created. In all other townships in counties of this class there shall be one justice of the peace; *provided*, that in townships of the first class, in counties of this class, the justices of the peace shall be allowed one chief clerk to act as clerk for both of said justices of the peace, which said clerk shall receive a salary of two thousand one hundred eighty dollars per annum, which office is hereby created; and each justice of the peace shall be allowed one additional clerk who shall receive a salary of one thousand eight hundred dollars per annum.

15. Constables. In counties of this class constables shall receive the following compensation, and all such salaries shall be paid monthly in the same manner as the salaries of county officers are paid, viz: Constables.

In townships of the first class in all criminal cases, in lieu of fees now allowed by law, one thousand eight hundred dollars per annum;

In townships of the second class in all criminal cases, in lieu of fees now allowed by law, seven hundred twenty dollars per annum.

In all townships in counties of this class the constables shall be allowed in addition to the compensation above set forth all fees in civil cases as are now or hereafter may be allowed by law, and actual traveling expenses only in lieu of mileage for taking prisoners to the county jail.

In townships of the first class, in counties of this class, the board of supervisors shall furnish the constables' offices with necessary and proper furniture for each of said constables.

16. Supervisors. Each member of the board of supervisors, three thousand dollars per annum and fifteen cents per mile in-going from his residence to the county seat at each meeting of the board. This shall cover all his services as supervisor and road commissioner; *provided*, that in counties of this class each member of the board of supervisors shall be allowed his actual expenses in the performance of his official duties, the said expenses, however, for each member of the board not to exceed the sum of five hundred dollars in any one year. Supervisors.

17. The board of supervisors shall, within thirty days after the taking effect of this act, appoint a county librarian, whose salary shall be two thousand seven hundred dollars per annum, payable at the same time and in the same manner and out of the same fund as the salaries of the other county officers; *provided*, that the board of supervisors may appoint all necessary employees for the county library as provided by law. The county librarian shall also be allowed actual and necessary traveling expenses. Librarian.

18. Apiary inspector. The apiary inspector shall receive a salary of one thousand two hundred dollars per annum, and shall be paid at the same time, in the same manner and out of the same fund as the salaries of the county officers are paid, and such salary shall be full compensation for the services of said apiary inspector. Said apiary inspector shall, however, be allowed actual and necessary traveling expenses. Apiary Inspector.

19. 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. Appointment and payment of deputies, etc.

20. Constitutionality. If any section, subsection, sentence, clause or phrase of this act is for any reason held to Constitutionality.

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.

Effect
of act.

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

CHAPTER 44.

An act to add a new section to the Political Code, to be numbered two thousand two hundred ten h, relating to pensions.

[Approved by the Governor April 6, 1925.]

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

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

Pensions
of inmates.

2210h. All pension money received by any inmate of the Woman's Relief Corps Home of California shall be retained by such inmate and shall be subject to the disposition of such inmate.

CHAPTER 45.

An act to provide that no political subdivision may enforce a quarantine against any other political subdivision without the consent of the director of agriculture.

[Approved by the Governor April 6, 1925.]

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

Quarantine
against cities
or counties.

SECTION 1. No quarantine shall be established by one county, or city, city and county, or town, against another city, city and county, county, or town, on account of the existence of any disease of animals or of any insect or other animal pest or plant disease or noxious weed without the written consent of the director of agriculture.

CHAPTER 46.

An act to amend section twelve of an act entitled "An act to provide for the incorporation and organization and management of municipal water districts, and to provide for the acquisition or construction by said districts 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 May 1, 1911, as amended, relating to powers of municipal water districts.

[Approved by the Governor April 6, 1925.]

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

SECTION 1. Section twelve of an act entitled "An act to provide for the incorporation and organization and management of municipal water districts, and to provide for the acquisition or construction by said districts of waterworks and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said district," approved May 1, 1911, as amended, is hereby amended to read as follows:

Stats. Ex.
Sess. 1911,
p. 101,
amended.

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

General
powers of
district.

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 and enjoy real and personal property of every kind, within or without the district necessary to the full exercise of its powers, and to sell, lease or dispose of any of its real or personal property or rights in property belonging to it and which the board of directors may deem to be no longer necessary to the district or its use;
5. To acquire, or contract to acquire, waterworks or a waterworks system, waters, water rights, lands, rights and privileges, and construct, maintain and operate conduits, pipe lines, reservoirs, works, machinery and other property useful or necessary to store, convey, supply or otherwise make use of water for a waterworks plant or system for the benefit of the district, and to complete, extend, add to, repair, or otherwise improve any waterworks or waterworks system acquired by it as herein authorized;
6. To lease of and from any person, firm, or public or private corporation, with the privilege of purchasing or otherwise, existing waterworks or a waterworks system, and to carry on and conduct waterworks or a waterworks system; also to sell water under the control of the district to municipalities, and to other public corporations within the district, and to the inhabitants of such municipalities and of other territory within the district, for use within said district, without any

preference, and it may, whenever there is a surplus of water above that which may be required by such consumers within said district, sell or otherwise dispose of such surplus water to any persons, firms, public or private corporations or other consumers;

7. To have and exercise the right of eminent domain and in the manner provided by law for the condemnation of private property for public use, to take any property necessary 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 waterworks or system, or any portion thereof, or any waters or water rights owned by any person, firm or private corporation. In proceedings relative to the exercise of such right, the district shall have the same rights, powers and privileges as a municipal corporation;

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;

9. To cause taxes to be levied for the purpose of paying any obligation of the district in the manner hereinafter provided:

10. To make contracts, to employ labor, and do all acts necessary for the full exercise of the foregoing powers;

11. In case of condemnation proceedings the board shall proceed in the name of the district.

CHAPTER 47.

An act to amend section four thousand two hundred forty-six of the Political Code, relating to the salaries, fees and expenses of officers in counties of the seventeenth class.

[Approved by the Governor April 6, 1925.]

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

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

4246. In counties of the seventeenth class the county officers shall receive as compensation for the services required of them by law, or by virtue of their offices, the following salaries, fees and expenses, to wit:

1. County clerk, three thousand dollars per annum; *provided*, that in counties of this class there shall be, and hereby is, allowed to the county clerk, one chief deputy who shall receive a salary of two thousand four hundred dollars per annum, two deputies who shall receive a salary of one thousand eight hundred dollars per annum, two deputies who shall each receive a salary of one thousand five hundred dollars per annum, and in each year in which a new and complete registration of voters is required by law, he shall appoint as many deputy registration clerks as may be necessary for

Counties of
17th class:
salaries and
fees of
officers.

Clerk.

the convenient registration of the voters of the county, which deputy registration clerks shall receive as compensation for their services a sum of ten cents per name for each and every voter registered by them, and also one additional deputy to compile the great register, and for mailing sample ballots, at a compensation not to exceed two hundred fifty dollars for each such registration year; *provided, further*, that in counties of this class the county clerk shall be and hereby is authorized to retain for his own use and benefit such fees or parts of fees as are now or which hereafter may be allowed to county clerks by the laws of the United States, pertaining to naturalization of citizens and to the public lands.

2. Sheriff, three thousand six hundred dollars per annum; ^{Sheriff.} *provided*, that in counties of this class there shall be, and hereby is, allowed to the sheriff one under-sheriff whose salary is hereby fixed in the sum of two thousand seven hundred dollars per annum, one chief deputy who shall receive a salary of two thousand four hundred dollars per annum, three deputies, who shall be jailers, who shall each receive a salary of one thousand eight hundred dollars per annum, one deputy who shall be finger-print expert who shall receive a salary of two thousand one hundred dollars per annum, two deputies who shall be court bailiffs who shall receive a salary of one thousand five hundred dollars per annum, one deputy who shall also be chauffeur who shall receive a salary of one thousand eight hundred dollars per annum, one deputy who shall be matron and stenographer and who shall receive a salary of one thousand five hundred dollars per annum, two deputies who shall be chain gang guards who shall receive a salary of one thousand five hundred dollars per annum; *provided*, that such guards may be used by the sheriff for other purposes when not required as guards; five additional deputies who shall each receive a salary of one thousand eight hundred dollars per annum; one bookkeeper who shall receive a salary of one thousand five hundred dollars per annum; *provided*, that there shall be, and hereby is, allowed to the sheriff such extra deputies as the board of supervisors may deem necessary to properly guard the outlying districts of the county; *provided*, that the total compensation of all such deputies shall not exceed the sum of three thousand six hundred dollars in any one year.

3. Recorder, two thousand seven hundred dollars per annum; ^{Recorder.} *provided*, that in counties of this class there shall be, and is hereby allowed the recorder one deputy at a salary of one thousand five hundred dollars per annum, and two deputies who shall each receive a salary of one thousand two 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.

Auditor.

4. Auditor, three thousand dollars per annum; *provided*, that there is hereby allowed to the auditor one chief deputy who shall receive a salary of one thousand eight hundred dollars per annum, one deputy who shall receive a salary of one thousand six hundred twenty dollars per annum, one deputy who shall receive a salary of one thousand five hundred dollars per annum, two deputies for not more than four months in each year, who shall each receive a salary of one hundred ten dollars per month, and four additional deputies for not more than one month in each year, who shall each receive a salary of one hundred ten dollars per month.

Treasurer.

5. Treasurer, three thousand dollars per annum; *provided*, that in counties of this class there shall be and hereby is allowed to the treasurer, the sum of not exceeding one thousand eight hundred dollars per annum, to be expended for the salary of a deputy.

Tax collector.

6. Tax collector, three thousand dollars per annum; one chief deputy who shall receive a salary of one thousand eight hundred dollars per annum, and eight deputies for not more than three months of each year, who shall each receive a salary of one hundred ten dollars per month.

Assessor.

7. Assessor, three thousand dollars per annum; one chief deputy who shall receive a salary of two thousand one hundred and seventy-five dollars per annum, one stenographer and roll writer for not more than nine months in each year, who shall receive a salary of one hundred twelve and fifty hundredths dollars per month, one deputy for writing plat books for not more than six months in each year, who shall receive a salary of one hundred and twenty-five dollars per month, one check deputy for not more than six months in each year, who shall receive a salary of one hundred and twenty-five dollars per month, three additional deputies for not more than five months in each year, who shall each receive a salary of one hundred dollars per month, one collection deputy for not more than two months in each year, who shall receive a salary of two hundred dollars per month, twelve field deputies for not more than three months in each year who shall each receive a salary of two hundred dollars per month, one field deputy for the Bard district for not more than three months in each year, who shall receive a salary of two hundred twenty-five dollars per month; all of said field deputies shall pay their own expenses. It is hereby provided that in counties of this class, the assessor shall receive no fees or compensation for his collection of taxes on personal property, or possessory interests.

Attorney.

8. District attorney, four thousand dollars per annum; one chief deputy who shall receive a salary of three thousand dollars per annum, two deputies who shall each receive a

salary of two thousand four hundred dollars per annum, one deputy who shall be known as "criminal investigator," who shall receive a salary of one thousand eight hundred dollars per annum, one stenographer who shall receive a salary of one thousand two hundred dollars per annum, one official reporter who shall report and transcribe all preliminary hearings required of her by the district attorney, and whose duties and compensation shall be those prescribed by section eight hundred and sixty-nine of the Penal Code; *provided*, that in counties of this class the district attorney shall devote all of his time to the duties of his office.

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

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

11. Superintendent of schools. Superintendent of schools, Supt. of schools.
 three thousand dollars per annum; two deputies who shall each receive a salary of two thousand dollars per annum, said salaries to include traveling expenses in connection with the visitation of schools; one deputy who shall receive a salary of one thousand two hundred dollars per annum; *provided*, that in counties of this class the superintendent of schools shall receive no compensation for services as a member of the county board of education, or as ex officio secretary thereof.

12. Surveyor. Surveyor, one thousand five hundred dollars Surveyor.
 per annum; which shall be in full for all services required of him by the superior court or board of supervisors, or assessor. It shall be his duty on demand of the assessor, to prepare any and all maps, plats or block-books for the use of the county assessor.

13. Justices of the peace. Justices of the peace shall Justices of the peace.
 receive the following monthly salaries, to be paid each month, in the same manner, and out of the same fund as county officers are paid, and in addition such fees as are now, or may hereafter, be provided by law; in townships having a population of more than five thousand, one hundred dollars per month; *provided*, that if the county seat shall be situated in a township of this class, one hundred and fifty dollars per month; in townships having a population of less than five thousand and more than two thousand, seventy-five dollars per month; in townships having a population of less than two thousand, twenty dollars per month. It is hereby found as a fact that the salaries provided for in this subdivision do not work an increase in compensation, and the same shall apply immediately to incumbents; justices of the peace shall be allowed their necessary incidental expenses in such reasonable sums as may be fixed by the board of supervisors, according to the needs of the business of the justice's courts in each township; *provided*, that in townships where the county seat is situated, such incidental expenses shall include clerical help not to exceed fifty dollars per month, and in

other townships having a population of more than two thousand, such expenses shall include clerical help, not to exceed more than twenty-five 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 and convenient conduct of business; and to the justice of peace of the township where the county seat is situated the board of supervisors shall also furnish and equip with necessary furniture and other appliances, a suitable room in the county courthouse for holding the court of such justice.

Constables.

14. Constables. Constables shall receive the following monthly salaries to be paid each month in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them: In townships having a population of more than two thousand, seventy-five dollars per month; in townships having a population of less than two thousand, twenty dollars per month. Constables shall cooperate at all times with the sheriff, and shall perform any and all duties that he may require of them. It is hereby found as a fact, that the salaries provided for in this subdivision do not work an increase, and the same shall apply immediately to incumbents.

Population of townships.

15. Population of townships. For the purpose of subdivisions thirteen and fourteen of this section, the population of the several judicial townships shall be ascertained by multiplying the number of registered electors at the last general election by three and one-half.

Supervisors.

16. Supervisors. Each supervisor, one thousand two hundred dollars per annum, which shall be in full for all services as supervisor and road commissioner for each year; *provided, however*, that each supervisor shall be allowed his necessary traveling expenses at the rate of seven cents per mile, for each mile traveled in the county, in attending meetings of the board and performing his duties as road commissioner.

Physician.

17. Physician. County physician, seventy-five dollars per month.

Health officer.

18. Health officer. County health officer, seventy-five dollars per month; *provided*, that in counties of this class there shall be and hereby is allowed the health officer, two deputies, who shall each receive a salary of one hundred fifty dollars per month, said deputies to pay their own expenses.

Livestock inspector.

19. Livestock inspector. Livestock inspector, who shall be ex officio county veterinarian, one thousand eight hundred dollars per annum; *provided*, that in counties of this class, the livestock inspector shall devote his entire time to the performance of the duties of the office; *provided, further*, that in counties of this class the livestock inspector shall be

and hereby is allowed three deputies who shall each receive as salaries six hundred dollars per annum.

20. Librarian. County librarian, one thousand eight hundred dollars per annum. Librarian.

21. Jurors. 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 residences in attending court or grand jury, one way only, the sum of fifteen cents per mile; such mileage to be allowed but once during each session said jurors are required to attend. Jurors.

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

CHAPTER 48.

An act to protect poultry from contagious and infectious diseases and to prescribe the duties of officials to carry into effect the provisions of this act.

[Approved by the Governor April 6, 1925.]

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

SECTION 1. Upon information received by the director of agriculture or his duly authorized representative, of the existence of any contagious or infectious disease affecting poultry within this state, he shall proceed to thoroughly investigate the same, and he is hereby authorized to establish such quarantine, sanitary and police regulations as he may deem necessary to circumscribe and eradicate such disease and prevent the spread thereof. He is hereby authorized and empowered to enter upon any grounds or premises and inspect any poultry necessary to carry out the provisions of this act. Director of agriculture to protect poultry.

SEC. 2. Upon the discovery of any such contagious, infectious or communicable disease affecting poultry in this state the director of agriculture may, if deemed advisable, quarantine such diseased poultry upon the land or premises where said poultry is located, and when deemed necessary other poultry which have been exposed thereto; to prescribe regulations for the cleaning and disinfection of premises where said disease exists or has existed, and to restrain the movement of coops, cages, crates and other poultry equipment from such premises until they have been properly cleaned and disinfected. Quarantine against poultry diseases.

Importation
of poultry.

SEC. 3. Whenever the director of agriculture shall have determined that an infectious, contagious or communicable disease exists among poultry in any other state or territory in the United States of America, or in any foreign country, and the importation of poultry from said state, territory or foreign country might spread such disease to poultry within the State of California, said director shall notify the governor who, if he deem it expedient shall issue his proclamation prohibiting the shipment of poultry into California from any such state, territory or foreign country, or if circumstances warrant said proclamation shall prescribe the conditions under which such poultry may be brought into this state.

Diseases
covered.

SEC. 4. Infectious, contagious or communicable diseases within the meaning of this act shall include any infectious, contagious or communicable disease of fowls of all kinds.

Inspection
by cities.

SEC. 5. Nothing in this act shall be construed to deprive the regular inspectors of chartered and incorporated cities or cities and counties, where regular inspection is maintained by persons employed who have passed a civil service meat, market and poultry inspection examination, of the powers granted them by their several municipalities in inspection of poultry and fowls of all kinds.

Penalty.

SEC. 6. Any person failing to comply with the provisions of this act, or who shall fail or refuse to obey any order, rule or regulation issued by the director of agriculture under and within the power and authority delegated by this act, shall be deemed guilty of a misdemeanor.

Urgency
measure.

SEC. 7. Inasmuch as the State of California is menaced by several virulent infectious diseases of poultry, this act is necessary for the immediate preservation of the public peace, health and safety within the meaning of section one of article four of the constitution and shall take effect immediately.

CHAPTER 49.

An act to amend section four thousand two hundred seventy-three of the Political Code, relating to salaries of officers of the forty-fourth class.

[Approved by the Governor April 6, 1925.]

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:

Counties of
44th class:
salaries and
fees of
officers.

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 office, the following salaries, fees and expenses, to wit:

Clerk.

1. The county clerk, two thousand four hundred dollars per annum. He shall have one deputy at a salary of one thousand five hundred dollars per annum which office is hereby created.

He shall appoint said deputy, with the consent of the board of supervisors as manifest by not less than a three-fourths vote of the members thereof; said board may dismiss the said deputy at any time that he shall in its opinion fail to satisfactorily perform the duties of his office.

2. The sheriff, three thousand six hundred dollars per annum, and his reasonable and necessary expenses incurred in the performance of the duties of his office in criminal matters; said expenses to be allowed by the board of supervisors as other county charges are allowed. He shall also have one deputy at a salary of one thousand eight hundred dollars per annum, which office is hereby created; said deputy shall be appointed by the sheriff, with the consent of the board of supervisors as manifest by not less than a three-fourths vote of the members thereof; said board may dismiss the said deputy at any time that he shall in its opinion fail to satisfactorily perform his duties. He shall also have one deputy at a salary of one thousand five hundred dollars per annum, which office is hereby created. Said deputy shall be appointed by the sheriff, with the consent of the board of supervisors as manifest by not less than a three-fourths vote of the members thereof; said board may dismiss the said deputy at any time that he shall in its opinion fail to satisfactorily perform his duties.

Sheriff.

The salary and allowance above named shall be compensation in full and the said sheriff shall pay over to the county all mileage, fees or other commissions received by him for service in civil matters.

3. The recorder, one thousand nine hundred dollars per annum. He shall also have one deputy at a salary of seven hundred fifty dollars per annum.

Recorder.

4. The auditor, eight hundred dollars per annum. He shall also have one deputy at a salary of seven hundred fifty dollars per annum.

Auditor.

5. The treasurer, two thousand dollars per annum. He shall also have one deputy at a salary of one hundred twenty-five dollars per month, said deputy to be employed for not to exceed five months in any one year.

Treasurer.

6. The tax collector, one thousand dollars per annum, and ten per cent of all licenses collected by him as license collector. He shall have one deputy for a period of four months in each year, at a salary of one hundred twenty-five dollars per month, which office is hereby created. Said deputy shall be appointed by the tax collector, with the consent of the board of supervisors, as manifest by not less than a three-fourths vote of the members thereof; said board may dismiss the said deputy at any time that he shall in its opinion fail to satisfactorily perform his duties. The tax collector shall also be allowed one per cent of all money collected by him as taxes from municipalities, irrigation districts, sanitary districts, or improvement districts.

Tax collector.

Assessor.

7. The assessor, three thousand dollars per annum and six per cent of all unsecured personal taxes collected by him, except only such portion of said tax as belongs to the school fund. He shall also have one deputy for a period of four months in each year, beginning March first and ending June thirtieth, at a salary of one hundred twenty-five dollars per month each, said deputy shall be appointed by the assessor, with the consent of the board of supervisors, as manifest by not less than a three-fourths vote of the members thereof; said board may dismiss the said deputy at any time that he shall in its opinion fail to satisfactorily perform his duties. He shall also be allowed one deputy, to be known as a poll tax deputy, at a salary of one hundred fifty dollars per month. Such deputy shall not be employed for more than four months in any one year. Said deputy shall be appointed by the assessor, with the consent of the board of supervisors, as manifest by not less than a three-fourths vote of the members thereof; said board may dismiss the said deputy at any time that he shall in its opinion fail to satisfactorily perform his duties. The provisions of this section, so far as they relate to the poll tax deputy in the office of the assessor, shall not be operative in the event that the legislature at its forty-sixth session shall pass a general law providing for the appointment and salaries of deputy poll tax collectors.

Attorney.

8. The district attorney, two thousand four hundred dollars per annum. He is hereby allowed a stenographer at a salary of six hundred dollars per annum.

Coroner.

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

Public
adminis-
trator.

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

Supt. of
schools.

11. The superintendent of schools, one thousand eight hundred dollars per annum, and actual traveling expenses when visiting the schools of his county. The superintendent of schools is hereby allowed additional office help. Such additional help shall receive compensation at the rate of five dollars per day, not to exceed in the aggregate sixty days in any one year.

Surveyor.

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. In townships having a population of over four thousand, one hundred twenty-five dollars per month; in townships having a population of over three thousand and less than four thousand, seventy-five dollars per month; in townships having a population of less than three thousand, twenty dollars per month. They shall also receive the fees that are now or may hereafter be allowed by law; and shall receive such sum as may be necessary to maintain their offices; *provided*, that such sum shall not be in

excess of twenty per cent of their salary as allowed herein. The board of supervisors of such county shall furnish and supply to the justices of the peace of the various townships the codes of the state and amendments thereto and all necessary stationery, legal blanks and forms for the proper conduct of business. For the purpose of this subdivision, the population of the several townships shall be ascertained by multiplying the number of registered voters at the last general election by three.

14. Constables in counties of this class 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 the county officers are paid. In townships having a population of four thousand or over, one hundred dollars per month; in townships having a population of over three thousand and less than four thousand, fifty dollars per month; and in townships having a population of less than three thousand, twenty-five dollars per month; and in addition thereto all necessary and reasonable expenses for performing the duties of their office in criminal matters. In addition to the monthly salaries allowed herein, each constable may receive for his own use in civil cases the fees now or hereafter allowed by law. Constables.

15. Each member of the board of supervisors, one thousand dollars per annum, and mileage from residence to the 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. Supervisors.

16. In counties of this class, the official reporter of the superior court shall receive a salary of one hundred dollars per month, to cover all work done in criminal cases, both in the superior and justice's courts of the county; and shall receive as compensation for taking notes in civil cases tried in the superior court a per diem of ten dollars, and for transcription of said notes, when required during the progress of the trial, he shall receive the sum of twenty-five cents per folio for the original, and five cents per folio for one copy, in both criminal and civil cases; 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 the 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 of the county seat. Reporter.

17. Grand jurors, and trial jurors, in criminal cases, shall receive the following fees and mileage: (1) 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 Jurors.

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.

18. For attending as a trial juror in criminal cases only, in any justice's court of the county, for each day's attendance, two dollars and fifty cents. The justice of the peace shall certify to the auditor the number of days attendance of each juror, and the auditor shall then draw his warrant therefor, and the treasurer shall pay the same.

Witnesses.

19. For attending as a witness in criminal cases only, in the superior court of the county, for each day's attendance, the sum of three dollars, and for each mile actually traveled in going, one way only, while acting as juror, twenty-five cents.

20. For attending as a witness in criminal cases only, in any justice's court, for each day's attendance the sum of two dollars, and for each mile actually traveled in going only, while acting as a juror twenty-five cents, one way. The judge of the superior court, or the justice of the peace shall certify to the auditor the number of days attendance of each witness, and the auditor shall thereupon draw his warrant therefor and the treasurer pay the same.

Effect
of act.

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

CHAPTER 50.

An act to amend sections four and five of an act entitled "An act conveying certain tidelands and lands lying under inland navigable waters, situate in the bay of San Diego to the city of National City, in furtherance of navigation and commerce and the fisheries, and providing for the government, management and control thereof," approved April 27, 1923.

[Approved by the Governor April 7, 1925.]

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

Stats. 1923,
p. 82,
amended.

SECTION 1. Section four of the act entitled "An act conveying certain tidelands and lands lying under inland navigable waters, situate in the bay of San Diego to the city of National City, in furtherance of navigation and commerce and the fisheries, and providing for the government, management and control thereof," approved April 27, 1923, is hereby amended to read as follows:

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

Leases.

Sec. 2. Section five of said act approved April 27, 1923, is hereby amended to read as follows:

Stats. 1923,
p. 82,
amended.

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

Limitation
and
restrictions.

When wharves, docks or piers have not actually been constructed, provided that where any of said lands are now leased for a period of less than fifty years, the city of National City may extend or renew the same or make new leases thereon, except that the term of such extension, renewal or new lease shall be not to exceed fifty years from the date of such extension or new lease.

New leases.

CHAPTER 51.

An act to amend section four thousand two hundred seventy-eight of the Political Code, relating to salaries, compensation, and expenses of county officers of counties of the forty-ninth class.

[Approved by the Governor April 7, 1925.]

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

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

4278. 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 offices the following salaries, fees and expenses, to wit:

Counties of
49th class:
salaries and
fees of
officers.

1. The county clerk, one thousand five hundred dollars per annum.

Clerk.

2. The sheriff, three thousand five hundred dollars per annum, and a jailer at fifty dollars per month, to be paid out of the county treasury; *provided*, the sheriff shall also receive for his own use and benefit his necessary expenses in all

Sheriff.

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 commission for all services of all papers whatsoever issued by any court of the state.

Recorder. 3. The recorder, one thousand five hundred dollars per annum. In counties of this class the recorder may appoint a copyist for service in his office, which office of copyist for the county recorder is hereby created, and said copyist shall receive as compensation for his services 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, one thousand dollars per annum. In counties of this class the auditor may appoint a copyist for service in his office, which office of copyist for the county auditor 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.

Treasurer. 5. The treasurer, one thousand five hundred dollars per annum.

Tax collector. 6. The tax collector, twelve hundred dollars per annum and ten per cent of all licenses collected by him; and a deputy, at four dollars per day for not more than one hundred days in any one year, to be paid out of the county treasury.

Assessor. 7. The assessor, two thousand five hundred dollars per annum and two deputies at a salary of five dollars each per day for not more than one hundred days in any one year, and two deputies additional, at a salary of five dollars each per day for not more than fifty days in any one year; such deputies to be paid out of the county treasury.

Attorney. 8. The district attorney, two thousand dollars per annum and necessary traveling expenses to be allowed by the board of supervisors.

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

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

Supt. of schools. 11. The superintendent of schools, two thousand five hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

Surveyor. 12. The surveyor, such fees as are now or may be hereafter allowed by law; *provided*, he shall be given all work for the county in which the county employs a surveyor or civil engineer.

Township officers. 13. In counties of this class, the township officers shall receive the following compensations, to wit: In townships having a population of over four thousand, justices of the peace shall receive a monthly salary of sixty dollars per month, and constables a monthly salary of sixty-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, but said justices of the peace and constables may retain for their own use the fees allowed by law in civil cases.

In townships having a population of more than twenty-seven hundred, and not exceeding four thousand, justices of the peace shall receive a monthly salary of thirty dollars per month, and constables a monthly salary of forty 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, but said justices of the peace and constables may retain for their own use the fees allowed by law in civil cases.

In townships having a population of more than two thousand and less than twenty-seven hundred, justices of the peace shall receive a monthly salary of twenty-five dollars per month and constables a monthly salary of thirty-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, but said justices of the peace and constables may retain for their own use the fees allowed by law in civil cases.

In townships having a population of less than two thousand, 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. The above-named salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases, but said justices of the peace and constables may retain for their own use the fees allowed by law in civil cases; *provided*, that where a constable shall be required to travel outside of his own township, in serving or executing a warrant of arrest or any other paper in a criminal case, he shall be allowed, in addition to the salary hereinbefore provided, his actual expenses incurred in serving or executing the same, to be allowed by the board of supervisors; for transporting prisoners to the county jail, the actual expenses of such transportation; *and, provided further*, that for the purpose of this subdivision, the population of the several townships shall be ascertained by multiplying the number of registered voters at the last general election of each township, by five. In addition to the above salaries allowed said justices of the peace and constables, for their services in criminal cases, they may retain for their own use the fees allowed by law in civil cases.

14. Each supervisor, six hundred dollars per annum, in ^{Supervisors.} full payment for services as member of the board of supervisors, as member of the board of equalization and as road commissioner, and twenty cents per mile, going only, in traveling from his residence to the county seat at each session of the board. Each supervisor shall also receive his necessary and actual itemized traveling expenses when traveling outside the county of Calaveras by order of the board on busi-

ness connected with his office; said traveling expenses not to exceed one hundred dollars per year per supervisor.

Jurors.

15. For attending as a grand juror, or a trial juror in criminal and civil cases in the superior court, for each day's attendance, three dollars; for each mile actually traveled one way as such grand juror, or trial juror, in the superior court, under summons or order of the court, twenty-five cents. The county clerk shall certify to the auditor the number of days' attendance, and the number of miles traveled by each juror and the auditor shall then draw his warrant therefor and the treasurer shall pay the same.

Effect of act.

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

CHAPTER 52.

An act to amend section four thousand two hundred eighty-six of the Political Code, relating to counties of the fifty-seventh class, and salaries of officers thereof.

[Approved by the Governor April 7, 1925.]

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

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

Counties of
57th class:
salaries and
fees of
officers.

4286. In counties of the fifty-seventh class the county and township officers shall respectively receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries and compensation, to wit:

Clerk.

1. The county clerk, one thousand two hundred dollars per annum.

Sheriff.

2. The sheriff, two thousand six hundred dollars per annum.

Recorder.

3. The recorder, six hundred dollars per annum. In counties of this class the recorder may appoint a copyist for service in his office, which office of copyist for the county recorder is hereby created, and said copyist shall receive as compensation for his services fifty per cent of the amount collected in said office during his period of service for filing and recording mining locations and affidavits of assessment work.

Auditor.

4. The auditor, two hundred dollars per annum.

Treasurer.

5. The treasurer, one thousand five hundred dollars per annum.

Tax collector.

6. The tax collector, five hundred dollars per annum.

Assessor.

7. The assessor, one thousand two hundred dollars per annum.

Attorney.

8. The district attorney, two thousand dollars per annum.

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

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

11. The superintendent of schools, six hundred dollars per annum. Supt. of schools.

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

13. For the purpose of regulating the compensation of justices of the peace and constables, townships of this class of counties are hereby classified according to their population, as shown by the total number of registered voters, in each township, at the next preceding general election, prior to the fixing of the classification, the said population to be determined by the supervisors by multiplying the said total number of registered voters by three; townships having a population of not more than one hundred shall belong to and be known as townships of the first class; townships having a population of not more than three hundred and not less than one hundred one shall belong to and be known as townships of the second class; townships having a population of not more than seven hundred fifty and not less than three hundred one shall belong to and be known as townships of the third class; townships having a population of not more than one thousand five hundred and not less than seven hundred fifty-one shall belong to and be known as townships of the fourth class; townships having a population in excess of one thousand five hundred shall belong to and be known as townships of the fifth class; *provided*, that the board of supervisors may, prior to any general election, consolidate two or more such townships into one. Classification of townships.

14. Justices of the peace and constables each of townships of the first class shall receive an annual salary of one hundred dollars to be paid in monthly installments as county officers are paid; justices of the peace and constables of townships of the second class shall each receive an annual salary of one hundred fifty dollars to be paid in monthly installments as county officers are paid; justices of the peace and constables in townships of the third class shall each receive an annual salary of two hundred dollars to be paid in monthly installments as county officers are paid; justices of the peace and constables in townships of the fourth class shall each receive an annual salary of three hundred dollars to be paid in monthly installments as county officers are paid; justices of the peace and constables in townships of the fifth class shall each receive an annual salary of four hundred dollars to be paid in monthly installments as county officers are paid. The salaries so received by justices of the peace and constables aforesaid shall be in full compensation for all services rendered by them. These salaries shall also apply to incumbents. Township officers.

15. Each member of the board of supervisors, fifty dollars per month, and thirty cents per mile one way to board meetings. Supervisors.

Jurors.

16. Jurors' fees in criminal cases shall be as follows: For attending as a grand juror or trial juror in the superior court, in criminal cases only, for each day's attendance, per day, three dollars; for each mile actually traveled in attending court as such juror under summons or under order of court, in criminal cases, in going only, per mile, thirty cents, and the county clerk shall certify to the auditor the number of days' attendance and number of miles traveled by each juror, and the auditor shall draw his warrant therefor and the treasurer shall pay the same.

CHAPTER 53.

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

[Approved by the Governor April 9, 1925.]

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

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

Counties of
8th class:
salaries and
fees of
officers.

4237. In counties of the eighth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit:

Clerk.

1. The county clerk, four thousand dollars per annum.

Sheriff.

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.

Recorder.

3. The recorder, three thousand six hundred dollars per annum.

Auditor.

4. The auditor, three thousand six hundred dollars per annum.

Treasurer.

5. The treasurer, two thousand six hundred dollars per annum.

Tax
collector.

6. The tax collector, two thousand five hundred dollars per annum.

Assessor.

7. The assessor, four thousand dollars per annum. The assessor shall receive his actual, reasonable and necessary expenses while engaged in his official duties in the field.

Attorney.

8. The district attorney, four thousand dollars per annum; *provided*, that in counties of this class the district attorney in addition to the salary herein fixed, shall be allowed his traveling and other personal expenses incurred in criminal cases arising in the county and in civil actions and proceedings in which the county is interested, and all other expenses necessarily incurred by him in the detection of crime and the prosecution of criminal cases, and in civil actions and proceedings and all other matters in which the county is interested, all of which said charges and expenses incurred by him shall be a legal charge against the county.

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

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

11. The superintendent of schools, three thousand three hundred dollars per annum; *provided, however,* that in counties of this class the superintendent of schools in addition to the salary herein fixed shall be allowed ten dollars per school district for traveling expenses where he shall have visited each school of said district in the county during any one calendar year. Supt. of schools.

12. The surveyor, four thousand 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. Surveyor.

13. Justices of the peace shall receive the following salaries for all services rendered by them, payable in the same manner as county officers are paid, viz: In townships having a population of twenty thousand or more, three hundred dollars per month; in townships having a population of not less than fifteen thousand nor more than twenty thousand, two hundred dollars per month; in townships having a population of not less than nine thousand nor more than fifteen thousand, one hundred fifty dollars per month; in townships having a population of not less than five thousand nor more than ten thousand, one hundred dollars per month; in townships having a population of not less than three thousand, nor more than five thousand, sixty dollars per month; in townships having a population of not less than two thousand nor more than three thousand, forty-five dollars per month; in townships having a population of not less than one thousand four hundred nor more than two thousand, thirty-five dollars per month; in all townships having a population of less than one thousand four hundred, twenty-five dollars per month; *provided,* that for the purposes of this section the population of the several townships shall be ascertained by multiplying the number of registered voters at the last general election by three and one-half. The compensation herein fixed for justices of the peace shall be in full for all services rendered and all fees collected by them shall be paid into the county treasury as provided by law. In townships having a population of twenty thousand or more, the justice of the peace shall be allowed a clerk, which position is hereby created. Such clerk shall be appointed by the justice of the peace of said township, and shall hold office during the pleasure of said justice of the peace. Said clerk shall give a bond in the sum of three thousand dollars, with at least two sureties to be approved by a judge of the superior court of the county in which said township is situated, conditioned for the faithful discharge of the duties of the office; and he shall receive an annual salary of one thousand eight hundred dollars. The justice's clerk shall keep a record of the proceedings of the said court, Justices of the peace.

and shall issue all process ordered by the court, and shall collect and receive all fines and forfeitures in criminal cases and pay the same, to the authorities legally entitled to receive the same, at the time and in the manner provided by law. He shall prepare bonds, justify bail when the amount has been fixed by the court, and shall have authority to administer and certify oaths and take and certify affidavits in any action, suit or proceedings in said justice's court. The clerk shall be in attendance on the court in the courtroom of said justice's court for the dispatch of official business, daily, legal holidays excepted, from the hour of nine o'clock a.m. until five o'clock p.m. and during such reasonable times thereafter as may be necessary for the proper performance of his duties.

Constables.

14. Constables shall receive the following salaries for all services rendered by them in criminal cases, payable monthly in the same manner as county officers are paid, viz: In townships having a population of five thousand or more, one hundred dollars per month; in townships having a population of not less than three thousand nor more than five thousand, fifty dollars per month; in townships having a population of not less than two thousand nor more than three thousand, forty-five dollars per month; in 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 habitue cases, the actual, reasonable and necessary cost of transporting prisoners to and from the county jail; of supporting such prisoners while in their custody; of pursuing criminals when a felony has been committed within their township and no warrant has been issued, whether an arrest has been made or not; of transporting inebriates, drug habitues and insane persons from the justice's court to the place of detention and from the place of detention to the superior court, and from the superior court to the insane asylum, but no mileage shall be allowed for such transportation to the place of detention, to the superior court, or to the insane asylum.

Supervisors.

15. Each member of the board of supervisors, one thousand eight 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 regular or special meeting of the board shall be allowed.

16. The bonds of the clerk, sheriff, recorder, auditor, treasurer, tax collector, assessor, district attorney, coroner, public administrator, surveyor and superintendent of schools, justice of the peace, constable and clerk of the justice of the peace shall be executed with a reliable bond and security company, and the cost of said bond when duly approved, shall be a charge against the county, and payable out of the general fund. Official bonds.

17. The county clerk shall have one chief deputy at a salary of two thousand five hundred twenty dollars per annum; three courtroom deputies at a salary of one thousand nine hundred twenty dollars per annum each; three office deputies at a salary of one thousand six hundred twenty dollars per annum each; one judgment clerk at a salary of one thousand six hundred twenty dollars per annum; one deputy who shall act as clerk to the board of supervisors at a salary of one thousand nine hundred twenty dollars per annum; one deputy who shall act as assistant clerk to the board of supervisors at a salary of one thousand six hundred twenty dollars per annum; and a deputy or deputies not to exceed fifteen for the purpose of registering electors and performing all duties pertaining to elections who shall be paid not to exceed five dollars per diem each; also a deputy or deputies to register electors outside of the county seat who shall receive a compensation of ten cents for each elector registered and who shall receive no other compensation or expenses. Deputies and other employees.

The county recorder, one first assistant at a salary of two thousand four hundred dollars per annum; one second assistant at a salary of one thousand nine hundred twenty dollars per annum; two comparing clerks and one index clerk at a salary of one thousand six hundred twenty dollars per annum each; five deputies at a salary of one thousand five hundred dollars per annum each; the recorder may hire necessary assistants in cases of emergency and at a salary not to exceed five dollars per diem, each, but the aggregate pay of such assistants for such work shall not exceed two thousand four hundred dollars in any one calendar year. Clerk.

The treasurer, one chief deputy at a salary of two thousand seven hundred sixty dollars per annum; two deputies at a salary of two thousand one hundred forty dollars per annum; one deputy at a salary of one thousand nine hundred fifty dollars per annum; one deputy at a salary of one thousand eight hundred thirty dollars per annum; four deputies who shall serve for a period of not to exceed six months in any one calendar year and shall receive therefor the sum of one hundred fifty dollars per month; and such emergency deputy or deputies as shall be required and who shall receive for his or their services a sum not to exceed five dollars per diem each; *provided, however,* that the aggregate pay of such emergency deputy or deputies shall not exceed in any one calendar year the sum of four thousand dollars. Recorder.

Treasurer.

Auditor. The county auditor, one chief deputy at a salary of two thousand four hundred dollars per annum; one chief accountant at a salary of two thousand four hundred dollars per annum; one second deputy at a salary of one thousand eight hundred dollars per annum; one third deputy at a salary of one thousand five hundred dollars per annum; one stenographer at a salary of one thousand two hundred dollars per annum; the auditor may hire necessary assistants for the purpose of extending taxes and in cases of emergency at a salary not to exceed five dollars per diem each; *provided*, that the aggregate salaries of such assistants shall not exceed the sum of one thousand dollars in any one calendar year.

Attorney. The district attorney, an assistant district attorney at a salary of three thousand dollars per annum; two deputy district attorneys at a salary of two thousand one hundred dollars per annum each; one shorthand reporter at a salary of two thousand four hundred dollars per annum; one secretary at a salary of two thousand one hundred dollars per annum; three stenographers at a salary of one thousand two hundred dollars per annum each.

Supt. of schools. The superintendent of schools, one first deputy at a salary of two thousand four hundred dollars per annum; one second deputy at a salary of one thousand five hundred dollars per annum; and an emergency deputy or deputies who shall be paid, not to exceed five dollars per diem each; *provided*, that the aggregate pay of said emergency deputy or deputies shall not exceed two thousand dollars in any one calendar year.

Sheriff. The sheriff, an undersheriff who shall receive a salary of two thousand seven hundred dollars per annum; a chief deputy who shall receive a salary of one thousand nine hundred twenty dollars per annum; a stenographer and clerk who shall receive a salary of one thousand six hundred eighty dollars per annum; two deputy sheriffs for service in the field who shall receive a salary of one thousand seven hundred forty dollars per annum each; one deputy sheriff who shall be employed as superintendent of identification and who shall receive a salary of two thousand forty dollars per annum; three bailiffs or courtroom deputies who shall receive a salary of one thousand six hundred eighty dollars per annum each; four jailers who shall receive a salary of one thousand six hundred eighty dollars per annum each; one motorboat deputy who shall receive a salary of one thousand seven hundred forty dollars per annum; two deputy sheriffs for serving papers, and for emergencies who shall receive a salary of one thousand six hundred twenty dollars per annum; one deputy sheriff for emergency and as a guard for the working prisoners who shall receive a salary of one thousand six hundred twenty dollars per annum.

Coroner. The coroner, one deputy who shall be paid by the coroner out of his fees.

Assessor. The county assessor shall have one chief deputy at a salary of two thousand four hundred dollars per annum; one drafts-

man at a salary of two thousand four hundred dollars per annum; one chief office deputy at a salary of two thousand one hundred dollars per annum; two office deputies at a salary of one thousand eight hundred dollars per annum; one stenographer and copyist at a salary of one thousand two hundred dollars per annum; one utility and valuation deputy for inside work who shall serve not to exceed one hundred fifty days in any one calendar year and for which service he shall be paid at the rate of five dollars per diem; three deputies to be employed in preparing assessment rolls who shall serve not to exceed one hundred thirty days each in any one calendar year, and be paid therefor at the rate of five dollars per diem each; one deputy to be employed in assessing automobiles and who shall serve not to exceed eighty days in any one calendar year and be paid therefor at the rate of five dollars per diem; two utility and valuation clerks for outside work who shall serve not to exceed eighty days in any one calendar year and be paid therefor at the rate of seven dollars per diem; *provided, however*, that such deputy shall furnish at his own expense necessary automobile transportation while so employed; three field deputies for service inside the city of Stockton who shall serve not to exceed one hundred days each in any one calendar year and be paid therefor five dollars per diem each; twelve field deputies to be employed in the county outside of the city of Stockton and who shall serve not to exceed eighty days each in any one calendar year and be paid therefor at the rate of seven dollars per diem each; *provided*, that such deputy shall each furnish at his own expense necessary automobile transportation while so employed; and an emergency deputy or deputies, at a salary of five dollars per diem each, which said emergency deputy or deputies shall not receive more than four thousand dollars in the aggregate in any one calendar year.

The county surveyor, one chief deputy who shall be paid Surveyor. a salary of two thousand four hundred dollars per annum. One draftsman who shall be paid a salary of one thousand eight hundred dollars per annum; one stenographer at a salary of one thousand eighty dollars per annum.

All the deputies, assistants, employees, emergency help and clerks hereinbefore mentioned shall perform in addition to the duties herein enumerated such other duties as their respective principals shall require, and they shall be paid out of the salary fund at the same time and in the same manner as the principals are paid; *provided, however*, that allowances for use of motor vehicle by deputy sheriffs employed as traffic officers shall be made on claims against the county and paid by the board of supervisors as other claims are paid.

18. The salaries, fees, mileage and commissions herein Compensation in full. 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, com-

missions, fees and mileage now or hereafter provided by law to be paid to any county, district or township officer for any official service, except as in this section otherwise provided, shall be paid into the county treasury to the credit of the general fund, unless some other fund is especially designated by law. All compensations, fees, commissions, and mileage, except as in this section otherwise provided, received by any county, district or township officer, either as such officer, or as the agent of the State of California, or of any officer thereof, or as the agent of any political subdivision of the State of California, or of any officer thereof, shall be paid into the county treasury to the credit of the general fund, unless some other fund is specially designated by law. Until such county, district or township officer shall pay into the county treasury all compensation, commissions, fees and mileage as herein required to be paid, he shall receive no salary, and it shall be the duty of the auditor to refuse to deliver to him thereafter a salary warrant, and it shall be the duty of the treasurer to refuse to pay the same.

Jurors.

19. For attending as a grand juror or as a juror in superior court, for each day's attendance per day, three dollars. For each mile actually traveled in attending court as a juror in going, only, per mile, twenty-five cents.

Effect of act.

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

CHAPTER 54.

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

[Approved by the Governor April 9, 1925.]

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

Stats. 1923,
p. 16,
amended.

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

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

Powers of
city trustees.

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

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

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

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

4a. To acquire property required for the opening and laying out of any street, alley, lane or tunnel from the point where the continuity of such street, alley, lane or tunnel ceases, to the point where such street, alley, lane or tunnel again commences; to lay out and improve said street, alley, lane or tunnel; and to pay the cost and expense incurred in the acquisition of the required property out of the general fund of the city. Open streets.

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

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

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

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

9. To levy and collect annually a property tax, which shall not, without the assent of two-thirds of the qualified electors of such city or town voting at an election to be held for that purpose exceed one dollar on each one hundred Property tax.

dollars; *provided, however*, that in cities which have constructed or may hereafter construct embankments, sea walls, or other works to protect such cities from overflow, said board of trustees may levy and collect annually a property tax which shall not exceed twenty cents on each one hundred dollars, which, when collected, shall be kept in a separate fund and used for the construction and maintenance of embankments, sea walls, or other works to protect such city from overflow and for no other purpose.

Licenses.

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

Rivers and harbors.

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

Municipal buildings.

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

Public utilities.

13. To acquire, own, construct, maintain and operate bus lines, street railways, steam railway spur tracks, telephone and telegraph lines, gas and other works for light, power and heat; public libraries, museums, gymnasiums, parks, and baths, and to grant franchises for the construction of public utilities as they may deem proper, the laying of railroad tracks and the running of cars drawn by horses, steam, or other power thereon, and the laying of gas and water pipes in the public streets, and to permit the construction and maintenance of telegraph and telephone lines therein.

Fines and penalties.

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

Use of prisoners.

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

Fire limits.

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

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

Construction of buildings.

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

Banners, signs, advertising, etc.

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

Removal of dirt, weeds, etc.

17. To issue subpoenas for the attendance of witnesses, or the production of books or other documents, for the purpose of producing evidence or testimony in any action or proceeding pending before the board of trustees, which subpoenas must be signed by the president of the board of trustees, and attested by the city clerk and may be served in the same manner as subpoenas are served in civil actions. Whenever any person duly subpoenaed to appear and give evidence, or to produce any books or any documents as herein provided, shall neglect or refuse to appear, or to produce such books

Subpoena and attachment of witnesses.

or documents, as required by such subpoena, or shall refuse to testify before such board, or to answer any questions which a majority thereof shall decide to be proper and pertinent, it shall be the duty of the president of the board to report the fact to the judge of the superior court of the county, who shall thereupon issue an attachment in the form usual in the court of which he shall be judge, directed to the sheriff of the county where such witness was required to appear and testify, commanding the said sheriff to attach such person, and forthwith bring him before the judge by whose order such attachment was issued. On the return of the attachment and the production of the body of the defendant, the said judge shall have jurisdiction of the matter, and the person charged may purge himself of the contempt in the same way, and the same proceedings shall be had, and the same penalties may be imposed, and the same punishment inflicted as in the case of a witness subpoenaed to appear and give evidence on the trial of a civil cause before a superior court.

Music and promotion.

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

Other acts.

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

CHAPTER 55.

An act authorizing the acceptance by the state board of harbor commissioners on behalf of the state of certain real property in the city and county of San Francisco bordering on Islais creek channel, and ratifying the act of said board in heretofore accepting conveyances of a portion of said property, and extending the jurisdiction of said board to the property so conveyed to the state.

[Approved by the Governor April 10, 1925.]

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

Acceptance by harbor commissioners of certain property along Islais creek.

SECTION 1. The board of state harbor commissioners is hereby authorized, on behalf of the State of California, to accept conveyances of the real property in the city and county of San Francisco, hereinafter described, or any part thereof, and the action of said board in heretofore accepting conveyances of any portion of said real property on behalf of the State of California is hereby ratified, confirmed and approved. Said real property is described as follows:

Commencing at the point of intersection of the northerly line of Tulare street and the westerly line of Indiana street, running thence northwesterly 797.73 feet more or less to a point which is perpendicularly southerly 384 feet from the southerly right of way line of the Western Pacific Railroad Company, formerly Ocean Shore Railroad Company, and perpendicularly

westerly 100 feet from the westerly line of what is or was the westerly line of Pennsylvania avenue; thence southerly along the projection of said line so drawn perpendicularly to said right of way line of the Western Pacific Railroad Company 70 feet to a point; thence running westerly and parallel with the northerly line of Army street 100 feet; thence at right angles southerly 48.103 feet more or less to the northerly line of Tulare street; thence southwesterly along the westerly line of the property conveyed by California Pacific Title Insurance Company to State of California by deed dated May 12, 1919, and recorded in the office of the recorder of the city and county of San Francisco on the sixteenth day of May, 1919 in liber 1125 of deeds, page 374 thereof, 66 feet more or less to the northerly line of Islais creek channel; thence southeasterly along the said northerly line of Islais creek channel 826.332 feet more or less to the point of intersection of said northerly line of Islais creek channel with the westerly line of Indiana street; thence northerly along said westerly line of Indiana street 66 feet more or less to the point of commencement.

SEC. 2. As and when said real property in section one hereof described, or any portion thereof, is so conveyed to the State of California the jurisdiction of said board of state harbor commissioners as defined in section 2524 of the Political Code is hereby extended over the property which has been or may be so conveyed to the State of California.

Jurisdiction
of harbor
commis-
sioners.

CHAPTER 56.

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 by the Governor April 10, 1925.]

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

Lands
granted to
South San
Francisco.

Use of lands.

Not to be
alienated.

Leases.

Rights of
present
occupants.

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 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.

Use by state.

Right to fish.

CHAPTER 57.

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

[Approved by the Governor April 10, 1925.]

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

SECTION 1. Any territory which purports to have been heretofore annexed to, incorporated in, and included within a municipal corporation under any proceedings taken for that purpose, the certified record whereof shall have heretofore been filed by the secretary of state, is hereby declared to be and to have been, since the filing of said record, duly annexed to, incorporated in, and included within such municipal corporation; and all proceedings for the annexation of such territory are hereby validated and declared legal; *provided, however,* that this act shall not operate to legalize an annexation where the legality of the proceedings for such annexation is being contested or inquired into in legal proceedings which are now pending and undetermined.

Municipal
annexation
proceedings
validated.

CHAPTER 58.

An act to amend sections two, three, five, and seven of an act entitled "An act to establish standards for the packing, marketing and sale of apples, forbidding the sale of certain infected and diseased apples, providing for the inspection and certification thereof, and for its enforcement, fixing penalties for its violation and repealing an act entitled 'The standard apple act of 1917,' approved May 7, 1917; as amended," approved June 3, 1921; as amended, relating to apple packing and grading.

[Approved by the Governor April 10, 1925.]

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

SECTION 1. Section two of an act entitled "An act to establish standards for the packing, marketing and sale of

Stats. 1923,
p. 472,
amended.

apples, forbidding the sale of certain infected and diseased apples, providing for the inspection and certification thereof, and for its enforcement, fixing penalties for its violation and repealing an act entitled 'The standard apple act of 1917,' approved May 7, 1917; as amended," approved June 3, 1921; as amended; relating to apple packing and grading, is hereby amended to read as follows:

Standard grades.

Sec. 2. The following standard grades and standard box are hereby established for apples, packed, shipped, delivered for shipment, offered for sale or sold, in the State of California.

"Extra fancy."

(a) The "extra fancy" grade shall consist of well-grown, properly matured apples of one variety; hand picked, well colored and normally shaped for the locality where produced, uniform in size, well packed, in clean standard boxes, and shall be free from insect pests, diseases, visible rot, visible dry rot, visible Baldwin spot, insect bites, bruises, skin punctures, skin broken at stem and other defects, except such bruises as are necessarily caused in the operation of packing, and virtually free from dirt; *provided, however*, that russeting confined within the basin of the stem shall be permitted and that a variation from the said standard as to insect pests, diseases, dry rot, Baldwin spot, insect bites, bruises and other defects shall be allowed not to exceed ten per cent total thereof, in any one package, and not to exceed five per cent of any one thereof, in any one package; *provided, further*, that a variation in the size of the apples contained in one box shall be allowed as follows: In boxes containing one hundred twenty-five apples, or less, a variation of one-half inch when measured through the widest portion of the cross section thereof; in boxes containing one hundred thirty-eight apples, or more, a variation of three-eighths of one inch when so measured.

"Fancy."

(b) The "fancy" grade shall consist of well-grown, properly matured apples of one variety, hand picked, normally shaped for the locality where produced, well packed in containers which shall be virtually clean, uniform in size, and shall be free from insect pests, diseases, visible rot, visible dry rot, visible Baldwin spots, insect bites, skin punctures, skin broken at stem, bruises and other defects, (except such bruises as are necessarily caused in the operation of packing), and virtually free from dirt; *provided*, that smooth caterpillar bites, which on any one apple and in the aggregate shall not exceed one-half of one inch in diameter, slight limb rubs, and not to exceed two healed-over case-bearer or aphid stings on each apple, slight sunspots and slight flyspeck fungus, and scab spots which on any one apple and in the aggregate shall not exceed one-fourth of one inch in diameter, russeting which is not excessively rough, and which does not appear on more than twenty-five per cent of the surface of any one apple in the aggregate shall be permitted in this grade; *provided, further*, that when the apples contained in any box are packed in tiers and the size thereof is indicated upon the box

by the use of tier markings, a variation in the size of the apples in such package shall be allowed not to exceed one-half of one inch when measured through the widest portion of the cross-section thereof, but when such tier markings are not used but in lieu thereof the number of apples contained in the box is given, a variation in the size of the apples in such package shall be allowed as follows: In boxes containing one hundred twenty-five apples, or less, a variation of one-half inch when measured through the widest portion of the cross-section thereof; in boxes containing one hundred thirty-eight apples, or more, a variation of three-eighths of one inch when so measured; *and provided, further*, that a variation from said standard as to the pests, diseases and defects above mentioned as forbidden, shall be permitted, not to exceed ten per cent total thereof, nor to exceed five per cent of any one thereof, in any one package; *and provided, further*, that apples slightly soiled and/or slightly dirty shall be permitted in this grade.

(c) The "C" grade shall consist of properly matured "C" grade apples of one variety, hand picked, well packed, uniform in size, free from insect pests, visible rot, visible dry rot, visible Baldwin spots, and other diseases, and from broken skin, sun scald, and frost bite, more than skin deep; *provided*, that scab spots on any one apple not larger than one-half of one inch in diameter in the aggregate, and apples showing blossom end cracks, shall be permitted in this grade; *provided, further*, that a variation from said standard as to such insect pests, dry rot, Baldwin spots, diseases and defects, shall be allowed not to exceed ten per cent total thereof in any one package, nor to exceed five per cent of any one thereof; *and provided, further*, that a variation in the size of the apples in each package shall be allowed not to exceed one-half of one inch when measured through the widest portion of the cross-section thereof.

(d) The standard container shall be a box of the following dimensions, inside measurements, when measured without distention of parts: Depth of end ten and one-half inches; width of end eleven and one-half inches; length of box eighteen inches, and having a cubical content of as nearly as possible two thousand one hundred seventy-three and one-half cubic inches. Standard container.

(e) All packed apples, when shipped, offered for sale or sold, shall be placed in the standard box herein described; *provided, however*, that other size containers may be used (except where the words "extra fancy" are used as the grade designation) if conspicuously marked in letters not less than one-half inch high "irregular container." Irregular container.

Sec. 2. Section three of said act, is hereby amended to read as follows: Stats. 1923,
p. 473,
amended.

Sec. 3. Every packed container of apples shipped, delivered for shipment, offered for sale or sold, in the State of California, shall bear upon the outside thereof, and on the Statement on
container.

end, in plain words or figures and in the English language, the following: The grade of the apples therein contained, as herein defined; the designation of grade, when the stamps hereinafter provided for are not used, being stated in letters not smaller than thirty-six point type, that is, not less than one-half inch in height; the number of apples contained in the package, or the minimum net weight of the apples contained therein, or the cubical contents of the package; the variety of the apples contained in the package, unless the variety be unknown to the packer, in which case the variety shall be stated as unknown; the name and business address of the person, firm, company, organization or corporation, who first packed or caused the same to be packed, and if repacked, the name and business address of the person, firm, company, organization or corporation who repacked the same or caused same to be repacked; the date when such apples were first packed, or if repacked, the date of repacking, and on each container of apples which have been held in cold storage for more than thirty days after being packed a statement showing the fact that the contents have been held in cold storage; *provided, however*, that a variation of five apples, more or less, than the number stated, shall be allowed.

Definitions.

(a) The term "packed," whenever used in this act, shall be construed to mean the regular, compact arrangement of all or a part of the fruit in any container; the term "well packed," whenever used in this act, shall be construed to mean the regular, compact arrangement of all of the fruit in any container, the fruit being compacted with sufficient solidity so that it will not move in the container when lidded, the top and the bottom of the box, when lidded, having a bulge of not less than one-half inch and not more than one and one-half inches, and, where wrappers are used, all of the apples in the box being wrapped, with the exception of the bottom layer, which may be "flagged." The term "flagged" shall be construed to mean the incomplete covering of the apples by the use of wrappers which are not closed.

Size of apples.

(b) The term "three and one-half tier," "four tier," "four and one-half tier" and "five tier," whenever used as the designation of the size of apples sold or offered for sale, shall have the following meanings, respectively, to wit:

The term "three and one-half tier" shall mean an apple in size three inches or larger when measured through the widest cross-section thereof; the term "four tier" shall mean an apple larger in size than two and five-eighths inches and not larger than three and one-eighth inches, when so measured; the term "four and one-half tier" shall mean an apple not smaller in size than two and one-fourth inches nor larger than two and three-fourths inches, when so measured; the term "five tier" shall mean an apple not smaller in size than one and seven-eighths inches nor larger than two and one-fourth inches, when so measured.

(c) The term "cross-section," whenever used in this act, shall mean the section of an apple taken at a right angle to a straight line drawn from the stem end to the blossom end thereof.

(d) When the size of the apples in any container shall be designated by the terms "three and one-half tier," "four tier," "four and one-half tier," or "five tier," at least ninety-five per cent of the apples in each such container shall conform to the definition of the tier marking used, as herein defined, and no apples in the container shall be smaller than the size next smaller, as herein defined.

(e) The term "properly matured," as used in this act, shall be deemed to mean that the apples to which it refers, at the time they were taken or fell from the tree, had reached that stage of development necessary to insure the proper completion of the ripening process; *provided, however*, that unclassified apples of any variety shall not be required to be properly matured.

"Properly matured."

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

Stats. 1923, p. 475, amended.

Sec. 5. Except as in this act expressly permitted, no person, firm, company, organization or corporation shall import into this state, or sell, barter, offer for sale or have in his possession for sale, any apples infected with any insect pest, or the pupae or larvae thereof, and any apple which has been infected with San Jose scale or codlin moth and bears the evidence of such infection, shall be deemed to be so infected, or any disease, and whenever apples are sold or kept or offered for sale loose in the container, or are not so arranged as to comply with the definition of the term "well packed," as herein defined, then the container must be marked on the outside thereof in the English language and in letters not less than one-half inch in height with the words "unclassified apples;" *provided, however*, that this section shall not be construed to prevent a grower of fruits in the State of California from selling the same unpacked and unmarked, and so infected, as a part of his crop in bulk, to a packer, or to prevent a grower or packer from manufacturing the same into any apple by-product or from selling the same unpacked and unmarked to any person, firm, company, organization or corporation, actually engaged in the operation of an apple by-product factory, and for the express purpose of being used in the manufacture of an apple by-product.

Sale or use of infected apples.

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

Stats. 1923, p. 476, amended.

Sec. 7. The director of agriculture of the State of California shall be charged with the enforcement of the provisions of this act, and for that purpose shall have the power:

Powers of director of agriculture in enforcing act.

(a) To enter and to inspect every place within the State of California where apples are produced, packed, stored, shipped, delivered for shipment, offered for sale or sold, and

to inspect such places and all apples and apple containers and equipment found in any such place.

(b) To provide a uniform method of stamping, or otherwise marking or identifying packages of apples which have been inspected by him or his deputies or inspectors; such method when once provided shall not be changed during that fiscal year, but with this exception, may be varied from time to time as he may determine.

Inspectors.

(c) In accordance with the provisions of the civil service law of this state, to appoint, superintend, control and discharge such chief inspectors and subordinate inspectors as in his discretion may be deemed to be necessary, for the special purpose of enforcing the terms of this act, to prescribe their duties, and in conjunction with the board of control, to fix their compensation: *provided, however,* that each horticultural commissioner appointed under the provisions of the law of the State of California, and each deputy and inspector duly appointed and acting under him, shall be deemed to be inspectors of apples under this act, their authority, in each instance, to be limited to the county or counties for which such horticultural commissioner may have been appointed, and they, in each instance, in so far as they may act as inspectors of apples, to be subject to the supervision and control of and to act under the director of agriculture.

Seizures.

(d) Personally, or through any deputy or any such inspector, to seize and retain possession of, any apples or apple containers packed, shipped, delivered for shipment, offered for sale, or sold, in violation of any of the provisions of this act.

Prosecutions.

(e) In the name of the people of the State of California to cause to be instituted and to prosecute, in the superior court of any county or city and county, of the State of California in which apples packed, shipped, delivered for shipment, offered for sale or sold, in violation of any of the provisions of this act, may be found, an action or actions for the condemnation of apples as provided in section thirteen of this act.

Inspection
of apples
and issuance
of
certificates.

(f) The director of agriculture, at the request of any person interested, personally, or by his duly appointed deputies or inspectors, may inspect any package or lot of apples and at the request of any person interested may issue a certificate stating the fact and the quality and condition of the package or lot of apples so inspected. Such certificate shall be received in evidence in all of the courts of the State of California as prima facie proof of the truth of the statements therein contained. For such inspection certificate, when the apples have theretofore been inspected by him, or by any of his deputies, or inspectors, the director of agriculture may charge and collect such fee as he may determine to be reasonable; *provided,* that such fees shall be uniform for each fiscal year and shall not exceed three-fourths of one cent for each box of packed apples.

(g) From time to time to establish, promulgate and enforce such reasonable and uniform rules and regulations, not in conflict with any of the provisions of this act, as he may deem to be proper for the conduct of inspectors, the inspection of fruit, the use of stamps, marks or other designation, the form of, and the collection of fees for, certificates and the charges to be made hereunder for the use of such stamps, marks or other designation. Rules and regulations.

(h) No certificate shall be issued, by any party other than the grower or shipper, in substance or effect stating that any apples have been inspected and have been found to, or not to, correspond with the requirements or grades of this act, or any thereof, nor shall any stamp, label, symbol, sign, or statement, indicating or intended to indicate that the apples in any container have been inspected and do or do not correspond with such requirements or any thereof, be stamped or affixed to or upon any container of apples, unless such certificate shall have been issued or the use of such stamp shall have been authorized, by the director of agriculture or some inspector appointed as in this act provided, and then only as in this act provided. Illegal certificates.

CHAPTER 59.

An act to amend sections seven and eight g of an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, as amended, and to add a new section thereto to be numbered section five a, relating to poisons.

[Approved by the Governor April 13, 1925.]

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

SECTION 1. A new section to be numbered five a, is hereby added to an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, as amended, to read as follows: Stats. 1907,
p. 125,
amended.

Sec. 5a. The following is schedule "A" referred to in section one, viz: Schedule "A," arsenic, its compounds and preparations, poisonous salts of barium, corrosive sublimate and other poisonous derivatives of mercury, cyanide of potassium, strychnine, hydrocyanic acid, oils of croton, rue, savin, and tansy, phosphorous and its poisonous derivatives and compounds, strophanthus or its preparations, aconite, belladonna, nux vomica, veratrum viride, their preparations, alkaloids or derivatives, ant poisons containing any of the poisons enumerated in this schedule except ant poisons which contain not to exceed two-tenths (2/10) of one per cent (1%) by weight of arsenic expressed in terms of metallic arsenic; *provided, however, that the following preparations shall not be included* Schedule
"A."

in this schedule, pills or tablets of aloin, belladonna, and strychnine, plasters composed of aconite or belladonna, or elixir of iron quinine and strychnine or ethyl alcohol denatured in accordance with any formula approved by the internal revenue department of the federal government for external use.

Schedule
"B."

The following is schedule "B": Hydrochloric or muriatic acid, nitric acid, oxalic acid, sulphuric acid, bromine, chloroform, cowhage, creosote, ether, solution of formaldehyde or formaline, cantharides, cocculus indicus, all of their preparations; iodine or its tincture, oil of pennyroyal, tartar emetic and other poisonous derivatives of antimony, sugar of lead, sulphate of zinc, wood alcohol, lysol and compound solution of creosol.

Stats. 1919,
p. 1274,
amended.

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

Penalties
for unlawful
sale of
narcotics,
etc.

SEC. 7. Any person convicted under section eight of this act for selling, peddling, furnishing, or giving away, or offering to sell, furnish or give away, any of the narcotic drugs or their derivatives mentioned in section eight, shall upon conviction for the first offense be punished by imprisonment in the county jail or in the state prison for not less than six months nor more than six years and for the second and each subsequent offense, shall be imprisoned in the state prison for not less than one year nor more than ten years.

Any person convicted under section eight of this act for having in possession any of the narcotic drugs or their derivatives mentioned therein, shall upon conviction for the first offense be punished by imprisonment in the county jail or in the state prison for not more than six years; for the second and each subsequent offense of which said person so convicted shall be found guilty, said person shall be punished by imprisonment in the county jail or in the state prison for not more than ten years.

Any person who shall hire, employ, or use, any minor under the age of sixteen years in unlawfully transporting, carrying, selling, preparing for sale, peddling, or using any morphine, cocaine, heroin, opium, shall upon conviction thereof be deemed guilty of a felony and shall be punished by imprisonment in the state prison for not less than one year nor more than five years, and for each subsequent offense upon conviction, be imprisoned in the state prison for not less than six years.

Any person violating any of the other provisions of this act, except those contained in sections eight and eight e 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, forfeited bail or fines received under the operation of this act shall be sent without delay by the magistrate receiving same, seventy-five per cent to the state treasurer to be deposited in the state treasury

and twenty-five 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.

SEC. 3. Section eight *g* of said act is hereby amended to read as follows:

Sec. 8*g*. Any automobile or other vehicle used to convey, carry or transport any of the drugs mentioned in section eight of this act, which are not lawfully possessed or transported, is hereby declared to be forfeited to the state, and may be seized by any duly authorized peace officer and when such seizure is made shall be considered as part of the evidence under this act and the magistrate shall upon conviction of the party charged with the violation of said act, turn the automobile or other vehicle over to the state board of control of the State of California and said board of control shall deliver to the California state board of pharmacy such number of said automobiles or other vehicles as may be needed by the said board of pharmacy in enforcing the provisions of this act; *provided*, that nothing contained herein shall apply to common carriers, or to an employee acting within the scope of his employment under this act.

Stats. 1921,
p. 979,
amended,
Seizure of
automobile
or other
vehicle.

CHAPTER 60.

An act to amend section nineteen h of an act known as the "juvenile court law," approved June 5, 1915, as amended, relating to salaries of probation officers in counties of the eighth class.

[Approved by the Governor April 13, 1925.]

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

SECTION 1. Section 19*h* of an act known as the "juvenile court law," approved June 5, 1915, as amended, is hereby amended to read as follows:

Sec. 19*h*. In counties of the eighth class there shall be a chief probation officer whose salary shall be the sum of two hundred dollars per month, one assistant probation officer whose salary shall be the sum of one hundred twenty-five dollars per month and three assistant probation officers whose salaries shall be the sum of one hundred dollars per month each.

Stats. 1915,
p. 1243,
amended.

Counties of
8th class:
salaries of
probation
officers.

CHAPTER 61.

An act to amend section four thousand two hundred forty-nine of the Political Code, relating to the salaries and compensation of officers in counties of the twentieth class.

[Approved by the Governor April 13, 1925.]

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

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

4249. In counties of the twentieth class, the county and township officers shall receive, as compensation for the services

Counties of
20th class:
salaries and
fees of
officers.

required of them by law, or by virtue of their office, the following salaries, to wit:

Clerk.

1. The county clerk shall receive three thousand six hundred dollars per annum and the fees that have been and are now allowed said clerk by the United States bureau of naturalization; *provided*, that in counties of this class there shall be, and there hereby is allowed to the county clerk the following clerks, deputies and employees, who shall be appointed by the county clerk and shall be paid salaries as follows: Three deputies at a salary of one hundred fifty dollars per month each, and one stenographer at a salary of one hundred and twenty-five dollars per month and one copyist at a salary of one hundred dollars per month; *and provided, further*, that in any year when a registration of voters is required by law or supplements to be made thereto, the said county clerk may appoint such number of registration deputies as may be necessary for the convenient registration of voters, each of said deputies to receive the sum of ten cents per name for each and every elector registered by him; said registration deputies to be paid for their services on the presentation and filing with the board of supervisors of said county, a duly verified claim therefor on the general fund of said county, after proper allowance of said claim by said board of supervisors.

Sheriff.

2. The sheriff shall receive four thousand eight hundred dollars per annum; and there shall be and there is hereby allowed to the sheriff the following deputies, who shall be appointed by the sheriff and shall be paid salaries as follows: One chief deputy at a salary of two thousand four hundred dollars per annum; one deputy at a salary of two thousand one hundred dollars per annum; five deputy sheriffs, each at a salary of one thousand eight hundred dollars per annum.

Recorder.

3. The recorder shall receive three thousand three 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; one chief deputy who shall be paid two thousand one hundred dollars per annum; one deputy who shall be paid one thousand eight hundred dollars per annum.

Said recorder may also appoint such copyists as may be required for the recording of all papers, notices and documents in his office, who shall receive as compensation for their services the sum of six cents per folio for actual work done in copying any instrument to be recorded (except maps and plats) and for making copies of all records or papers; *provided*, that the total amount paid to such copyists shall not exceed one thousand two hundred dollars in any one year, and such copyists shall be paid on presentation and filing with the board of supervisors of said county duly verified claims therefor.

The salaries and compensations of all deputies and copyists herein provided for shall be paid by said county in monthly installments at the same time and in the same man-

ner and out of the same fund as the salary of the county recorder is paid; *provided*, that the recorder shall file monthly with the auditor a verified statement showing in detail the persons employed as such copyists and the amount due to each for such copying. All fees collected by said recorder for filing and recording of instruments and other documents, maps and plats, or for copies made from records shall be paid into the county treasury.

4. The auditor shall receive three thousand six hundred dollars per annum, and there is hereby allowed to the auditor three deputies, who shall be appointed by the auditor; one deputy who shall be paid two thousand one hundred dollars per annum, and one who shall be paid one thousand six hundred twenty dollars per annum, and one who shall be paid one thousand five hundred dollars per annum; *and it is further provided*, that if the board of supervisors in any year shall act, order or direct the auditor to prepare and compile its annual statistical report, and on so performing such services and in that event he shall be allowed the further sum of three hundred dollars payable upon the completion and acceptance of said report, and if said report is mailed throughout the county by the auditor he shall be allowed the further sum of one hundred dollars. Auditor.

5. The treasurer shall receive three thousand dollars per annum; and there is hereby allowed to the treasurer one deputy to be appointed by him, who shall receive a salary of one thousand five hundred dollars per annum. Treasurer.

6. The tax collector shall receive three thousand dollars per annum, and there shall be and there hereby is allowed to the tax collector one deputy, who shall be appointed by the tax collector and shall receive a salary of one thousand eight hundred dollars per annum. And there shall be and there hereby is allowed one copyist to the tax collector who shall receive a salary of one thousand five hundred dollars per annum. And there shall be and there is hereby allowed to the tax collector an additional sum of three hundred dollars per annum to be used for extra help as needed, to be paid on presentation and filing with the board of supervisors of said county upon duly verified claim or claims therefor. Tax collector.

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

8. The assessor, four thousand dollars per annum; *provided*, that in counties of this class there shall be allowed to the assessor the following deputies, whose offices are hereby created and who shall be appointed by the assessor: One deputy who shall be chief deputy at a salary of two thousand four hundred dollars per annum, one assistant deputy at a salary of one thousand eight hundred dollars per annum; and an office deputy at a salary not to exceed one thousand five hundred dollars per annum; and one typist at a salary not to exceed one thousand two hundred dollars per annum; and such field deputies as the assessor may require, and whose compensation Assessor.

shall not in the aggregate exceed the sum of five thousand five hundred dollars. Said field deputies shall not be allowed a compensation of more than eight dollars per diem; and *provided*, that the assessor shall file with the county auditor a verified statement showing in detail the amounts and the persons to whom such compensation is paid; and *provided, further*, that the assessor shall be allowed such additional assistants as he may require and whose compensation shall not in the aggregate exceed the sum of seven hundred eighty dollars per annum; said assistants to be paid for their services on the presentation and filing with the board of supervisors of said county a duly verified claim or claims therefor. Said assessor may employ such assistants as may be necessary in making maps, plats and drawings essential for use in the assessor's office in the performance of his duties and the expense thereof shall be a charge against the county. It is hereby *further provided*, that the said assessor shall retain no commissions for the collection of personal property taxes or road poll taxes, but that all such collections shall be paid into the county treasury and become the property of the county.

Attorney.

9. The district attorney shall receive four thousand two 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 three thousand dollars per annum; one deputy to be appointed by him who shall receive a salary of one thousand eight hundred dollars per annum; one stenographer who shall receive a salary of one thousand five hundred dollars per annum and there is hereby allowed the district attorney one detective, to be appointed by him, who shall receive a salary of two thousand one hundred dollars. Said detective shall have all the powers of a peace officer as set forth in section eight hundred thirty-four and eight hundred thirty-six of the Penal Code.

Coroner.

10. The coroner shall receive such fees as are now, or may hereafter be allowed by law.

Public
adminis-
trator.

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

Supt. of
schools.

12. The superintendent of schools, three thousand dollars per annum; and there shall be and there is hereby allowed to the superintendent of schools, one deputy who shall be appointed by the superintendent of schools, and shall be paid a salary of one thousand five hundred dollars per annum.

Surveyor.

13. The surveyor shall receive two thousand four hundred dollars per annum and necessary traveling expenses while in the performance of duties of his office; *provided*, that in the event the office of county surveyor is abolished and that of county engineer is created, then the salary of such county engineer shall be four thousand dollars per annum.

13a. The county librarian shall receive two thousand dollars ^{Librarian.} per annum, and shall be allowed actual and necessary traveling expenses.

14. Each supervisor one thousand eight hundred dollars per ^{Supervisor.} 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.

15. The official shorthand reporter shall receive two thousand ^{Reporter.} dollars per annum for the department of the superior court to which he has been appointed. Whenever one reporter shall be appointed to and shall perform the duties required of the official shorthand reporter, for more than one department of said superior court, he shall receive a salary therefor of three thousand four hundred dollars per annum.

In addition thereto he shall receive for transcribing notes, the sum of twenty cents per folio for the original, and five cents per folio for all copies thereof.

16. In townships having a population of seven thousand or ^{Justices of} over, two justices of peace shall be elected, and each shall receive a salary of one hundred twenty-five dollars per month. In townships having a population less than seven thousand and over three thousand there shall be but one justice of the peace elected and he shall receive a salary of 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 ^{Fees} only, the following fees, to wit:

(1) For all services before trial or entry of judgment by default or confession, two dollars and for all additional services in such action, including execution and satisfaction of judgment, two dollars.

(2) For the trial of civil actions and all proceedings subsequent thereto, three dollars.

(3) For certificate and transmitting paper and transcript on appeal, one dollar.

(4) For copies of papers on dock, 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 hail in all proceedings, pending before another magistrate, fifty cents.

All such fees collected by such justice shall be paid into the salary fund of the county treasury.

Constables.

17. In townships, having a population of seven thousand or over, two constables shall be elected and each shall receive a salary of forty dollars per month. In townships having a population less than seven and over three thousand, there shall be but one constable elected, and he shall receive a salary of twenty-five dollars per month.

In all other townships there shall be but one constable, who shall receive twenty dollars per month. All constables in addition to the salaries above provided for, shall receive and collect for their use and benefit, in civil cases only, the following fees, to wit:

Fees.

(1) For serving summons and complaints, 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 and undertaking, one dollar.

(7) For copies of writs or other papers, except summons, complaints and subpoenas, per folio fifteen cents; *provided*, that when correct copies are furnished by him for use, no charge shall be made for such copies.

(8) For serving any writ, notice or order, except summons, complaint, or subpoena, for each person served, fifty cents.

(9) For writing and posting each notice of sale of property, fifty cents.

(10) For furnishing notice of publication, twenty-five cents.

(11) For serving subpoenas, each witness including copy, fifty cents.

(12) For collecting money on execution two and one-half per cent.

(13) For executing and delivering certificates of sale, fifty cents.

(14) For executing and delivering constable's deed, two dollars fifty cents.

(15) For each mile actually traveled within his county in the service of any civil suit, order, or paper, in going only, per mile twenty-five cents. No constructive mileage shall be allowed.

(16) For each mile necessarily traveled within his county, in executing a warrant of arrest, both in going to and returning from place of arrest, fifteen cents; and the actual cost of the

transportation of the prisoners from the place of arrest to the justice court, and the necessary expense of assistance; *provided*, that for traveling in performance of two or more official services at the same time, including the service of criminal process, but one mileage shall be charged.

(17) For each mile necessarily traveled outside his county, in executing a warrant of arrest, both in going to and returning from the place of arrest, fifteen cents.

(18) For transporting prisoners to the county jail, from the justice's court or from the county jail to the justice court, actual cost of transportation and assistance, and mileage at twenty-five cents per mile, one way. In conveying two or more prisoners, but one mileage shall be charged.

(19) For each day in which the constable is charged with the custody of a prisoner or prisoners, two dollars and fifty cents, and for the necessary expense of maintenance and assistance in keeping said prisoner.

(20) For summoning a jury in a civil case, twenty-five cents for each of the persons so summoned, and mileage at a rate of twenty-five cents per mile, going only.

(21) For attending court during the trial of a civil cause, per day, three dollars.

(22) For making sales of estrays in civil cases, the same fees as for sales of execution.

(23) For serving a writ of possession or restitution, putting a person in possession of the premises and removing the occupants therefrom, three dollars per day, and mileage at twenty-five cents per mile, going only.

(24) The mileage provided for herein shall be computed for the shortest practicable traveled route between the two points for which mileage is claimed.

18. The fees of grand jurors and trial jurors in the superior Jurors. courts of said counties of the twentieth class, in civil and criminal cases shall be three dollars, in lawful money of the United States for each day's attendance, and mileage to be computed at the rate of fifteen cents per mile for each mile necessarily traveled in attending court, in going only. In criminal cases such fees and mileage of said trial jurors in the superior court shall be paid by the treasurer of the county out of the general fund of said county upon warrant drawn by the county auditor upon the written order of the judge of the court in which said jurors were in attendance and the treasurer of said county shall pay said warrants. The board of supervisors of said county is hereby directed to make suitable appropriations for the payment of the fees herein provided for.

19. The fees of jurors in justice's courts in civil and criminal cases shall be two dollars in lawful money of the United States for each day's attendance and mileage to be computed at the rate of fifteen cents per mile for each mile necessarily traveled in attending the court, in going only; in criminal cases such fees and mileage of said trial jurors in the justice's

courts shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the court in which said jury was in attendance and the treasurer of said county shall pay said warrants. The fees of jurors on coroner's juries shall be one dollar for each day's attendance, said fees to be paid out of the general fund of said county upon the presentation and filing with the board of supervisors of said county a duly verified claim therefor on proper allowance of said claim by said board of supervisors and the approval of the coroner of said county. The board of supervisors of said county is hereby directed to make suitable appropriations for the payment of the fees herein provided for.

Payment.

20. All salaries of principals and deputies provided for in this article shall be paid out of the treasury of the county in monthly installments, and all fees shall be paid from the county treasury as other bills against the county are paid.

CHAPTER 62.

An act to amend section two thousand one hundred ninety-six of the Political Code, relating to the care and treatment of mental defectives in private sanitariums.

[Approved by the Governor April 13, 1925.]

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

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

Licenses
to conduct
institutions.

2196. No person, association, or corporation, must establish or keep an institution for the care, custody, or treatment of the insane, alleged insane or other incompetent persons referred to in this act for compensation or hire, without first obtaining a license therefor from the commission, and having paid the license fee herein provided. All licenses issued under the provisions of this section shall expire on the first day of July next succeeding the date of issue, and application for renewal of the license, accompanied by the necessary fee, must be filed with the commission not less than ten days prior to its expiration each year, otherwise it will stand as automatically canceled. Every application for such license must be accompanied by a plan of the premises proposed to be occupied, describing the capacities of the buildings for the uses intended, the extent and location of grounds appurtenant thereto, and the number of patients proposed to be received therein, with such other information, and in such form, as the commission may require. Such application must also be accompanied by the sum of fifty dollars as a license fee, said fee to cover each fiscal year, and in case of the issuance of license on or after the first day of January next succeeding the beginning of the fiscal year said license fee

shall be twenty-five dollars for the remainder of the fiscal year. The commission must not grant any such license without first having made an examination of the premises proposed to be licensed. It must be satisfied that they are substantially as described, and are otherwise fit and suitable for the purposes for which they are designed to be used and that such license should be granted. The commission may at any and all times examine and ascertain how far a licensed institution is conducted in compliance with the license therefor, and after due notice to the institution, and opportunity for it to be heard, the commission, having made a record of the proceedings upon such hearing, may, if the interests of the inmates of the institution so demand, for just and reasonable cause then appearing, and to be stated in its order, amend or revoke any such license by an order to take effect within such time after the service thereof upon the licensee, as the commission determines. The authorities of each institution for insane persons or other incompetents must place on file in the office of the institution the recommendations made by the commissioners as a result of their visits, for the purpose of consultation by such authorities, and for reference by the commissioners upon their visits. Every private institution for the care and treatment of insane or other incompetent persons referred to in this chapter shall keep records of every person admitted thereto, in the same manner and form prescribed for state hospitals, and shall furnish to the commission when required the facts mentioned in subdivision seven of section two thousand one hundred forty-two. The commission or any member thereof may at such times as such commission or commissioners choose visit and examine any hospital or institution caring for and treating insane, alleged insane, or incompetent persons. In making such visits or examination, said commission or any member thereof shall exercise the same powers as are conferred on them by section two thousand one hundred forty-three of this chapter. If any person or persons shall carry on or conduct or attempt to carry on or conduct an institution for the care or treatment, or for the care and treatment of the insane or alleged insane, or incompetents without first obtaining a license from the state commission in lunacy, as in this chapter provided, such person or persons shall be deemed guilty of a misdemeanor for each violation of the provisions of this section, and on conviction thereof shall be punished by imprisonment in a county jail not exceeding six months or by a fine not exceeding one thousand dollars, or by both such fine and imprisonment. The managing and executive officers of any corporation violating the provisions of this section shall be liable under the provisions of this section in the same manner and to the same effect as a private individual violating the same.

Duty of
commission.

Duty of
institutions.

Penalty for
conducting
without
license.

CHAPTER 63.

An act to amend section two of an act entitled "An act creating a reclamation district to be called and known as 'reclamation district number one thousand five hundred;'" 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 number one thousand five hundred; 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 number one thousand five hundred," approved April 30, 1913, as amended, relating to the election, appointment, powers, and duties of the trustees of said district, and relating to the management and control thereof.

[Approved by the Governor April 13, 1925.]

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

Stats. 1917,
p. 967.
amended.

SECTION 1. Section two of an act entitled "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, as amended, is hereby amended to read as follows:

Management
vested in
trustees.

Sec. 2. The management and control of said reclamation district No. 1500, and the election of trustees thereof are hereby made subject to the provisions of article one of chapter one of title eight of part three 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, and the management and control of said reclamation district No. 1500 shall be vested in five trustees who shall hold office until their successors are elected or appointed and qualified.

Elections.

An election of five trustees shall be held in said district on the third Tuesday in October, 1925, and on the third Tuesday in October every two years thereafter, and the term of office shall be two years and until their successors are elected or appointed and qualified. If an election is not held at any time herein specified, it may be held at such other time as may be authorized or provided for by said chapter one of title eight of the Political Code of California. In case of any vacancy in the office of trustee of said district, the board of supervisors of Sutter county shall appoint a qualified

person as trustee who shall hold said office for the portion of the unexpired term and until his successor is elected and qualified. The office and principal place of business 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 over all matters concerning said district, to the same extent as if the said district was formed under the provisions of 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 the power to make by-laws in conformity with the provisions by law, and shall have all 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 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.

Funds.

Rights and powers.

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.

The said district may at any time petition in writing, by its board of trustees, the reclamation board to change the line of location or construction of any levee in this act, or in the act of which this is amendatory, described, or any other levee, or to build any additional or supplemental levee or levees, and the reclamation board may, by an order allow such petition in whole or in part, and allow such change, or the building of any additional or supplemental levee.

CHAPTER 64.

An act to amend section six hundred eighty-nine b, of the Code of Civil Procedure, relating to selling personal property under execution.

[Approved by the Governor April 13, 1925.]

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

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

Tender to
seller of
sums due.

689b. The officer levying on such property must within five days after being served with a verified written claim containing a detailed statement thereof, pay or tender to the seller full payment of all sums due or to accrue to him under the agreement, above setoffs, with interest to date of tender. If not so tendered, the levying officer is not bound to keep the property; *provided, however*, that when an attachment or execution creditor presents to the officer, within the five days, a verified statement that the claim of title under the conditional sale is void or invalid for reasons therein specified, and delivers to the officer a good and sufficient indemnity bond in double the amount of the indebtedness claimed by the seller or double the value of the personal property as the officer may determine and require, the officer shall retain the property and in case of an execution sell it in the manner provided by law.

Indemnity
bond.

The bond shall be made to both the officer and the seller, and shall indemnify them and each of them for the taking of property against loss, liability, damages, costs and counsel fees. Exceptions to the sufficiency of the sureties and justification may be had and taken in the same manner as upon an undertaking on attachment.

Where tender
refused.

If the tender is refused, the amount thereof must be deposited with the county treasurer, payable to the order of the seller. Until such payment or deposit is made, or an undertaking delivered to the officer, the property can not be sold under the levy; but when made and also in case the seller fails to render his claim for thirty days following the personal service upon him by the levying officer of a written demand therefor, which service must be attested by the officer's certificate thereof, filed before the sale with the papers of the action wherein the attachment or execution was issued, then the title shall pass to the buyer and the property may be sold as in this chapter provided, free of all lien or claim of the seller.

CHAPTER 65.

An act authorizing the state board of prison directors to enter into a contract for the improvement and extension of the system for the supplying of water and electricity to the State Prison at Folsom without cost to the state.

[Approved by the Governor April 13, 1925.]

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

SECTION 1. The state board of prison directors is hereby authorized to enter into a contract with a private corporation, firm or individual for the alteration without cost to the state of the existing power plant in the prison yard of the State Prison at Folsom for the betterment and increase of its electrical output, and for such an additional water supply from the American river as may be adequate for irrigation and domestic use by the prison. The board of prison directors is authorized for this purpose to grant to a private corporation, firm or individual, for a proper consideration, the necessary lands, easements, rights of way, flowage rights and other appurtenances necessary to the economical supplying of water and electricity to the State Prison at Folsom.

Additional
power and
water for
Folsom

CHAPTER 66.

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

[Approved by the Governor April 14, 1925.]

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

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

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

Protection
of bass,
perch, sun-
fish, etc.

District
No. 2.

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

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

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

Catfish.

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

Nothing in this section, or elsewhere in this code, shall prohibit the state fish and game commission, or persons authorized by it from taking at all times such fish as they may deem necessary for scientific purposes, or for purposes of propagation.

CHAPTER 67.

An act to amend section four thousand two hundred seventy-four of the Political Code, relating to the salaries, fees and expenses of officers in counties of the forty-fifth class.

[Approved by the Governor April 14, 1925.]

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

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

4274. In counties of the forty-fifth class the county officers shall receive as compensation for the services required of

Counties of
45th class:
salaries and
fees of
officers.

them by law or by virtue of their offices the following salaries, fees and expenses, to wit:

1. County clerk. The county clerk, one thousand five hundred dollars per annum; *provided* that in counties of this class there shall be, and there hereby is allowed to the county clerk, one deputy clerk, who shall be appointed by the county clerk and shall be paid a salary of one thousand two hundred fifty dollars per annum; *provided*, that the board of supervisors may, in their discretion, authorize the clerk to appoint an additional deputy to assist in his office during the seasonal congestion of work, and shall fix the compensation of such deputy, but the same shall not exceed the sum of six hundred dollars for any one year. Clerk.

2. Sheriff. The sheriff, four thousand two hundred 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. Recorder. The recorder, one thousand eight hundred dollars per annum. Recorder.

4. Auditor. The auditor, one thousand dollars per annum. Auditor.

5. Treasurer. The treasurer, one thousand eight hundred dollars per annum. Treasurer.

6. Tax collector. 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. Assessor. 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 salary of such deputy or deputies shall not exceed in the aggregate the sum of one thousand five hundred dollars per annum; *provided*, that the board of supervisors may, in their discretion authorize the assessor to appoint an additional deputy to assist in his office during the seasonal congestion of work, and shall fix the compensation of such deputy, but the same shall not exceed the sum of five hundred dollars, for any one year. Assessor.

8. District attorney. 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. Attorney.

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

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

Supt. of
schools.

11. Superintendent of schools. The superintendent of schools, twenty-one 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.

Surveyor.

12. Surveyor. 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.

Township
officers.

13. Justices of the peace and constables. In counties of this class, the township officers shall receive the following compensation, to wit: In townships having 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 ($3\frac{1}{2}$).

Supervisors.

14. Supervisors. Each supervisor, seven hundred dollars per annum, for his services both as supervisor and as road commissioner, and ten cents per mile for traveling from his residence to the county seat and return, at each regular or

special session; *provided*, that from and after the first day of January, 1929, each supervisor shall receive a salary of twelve hundred dollars per annum, for his services both as supervisor and as road commissioner, and ten cents per mile for traveling from his residence to the county seat and return for each regular or special session of the board.

15. Jurors. Grand jurors and jurors in the superior court 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 such per diem and mileage, and the treasurer shall pay the same. Jurors.

16. County librarian. The county librarian shall receive one thousand five hundred dollars per annum. Librarian.

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

CHAPTER 68.

An act to amend section four thousand two hundred sixty-two of the Political Code, relating to the compensation, fees, and expenses of county officers of counties of the thirty third class.

[Approved by the Governor April 14, 1925.]

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

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

4262. In counties of the thirty-third class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit: Counties of 33d class: salaries and fees of officers.

1. The county clerk, three thousand five hundred dollars per annum and such fees as are now or may be hereafter allowed by law; *provided*, that in counties of this class there shall be and there is hereby allowed to the county clerk, one clerk, which office is hereby created, at a salary of one hundred dollars per month and who shall be appointed by the county clerk. 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 county clerk is paid. Clerk.

2. The sheriff, six thousand dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the sheriff, one clerk, which office is hereby created, Sheriff.

at a salary of one hundred dollars per month and who shall be appointed by the sheriff. The salary of said clerk to be paid in the same manner and at the same time as the salaries of other county officers are paid.

Recorder. 3. The recorder, three thousand five hundred dollars per annum.

Auditor. 4. The auditor, two thousand four hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the auditor one clerk, which office is hereby created, at a salary of one hundred dollars per month, and who shall be appointed by the auditor. 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 auditor is paid.

Treasurer. 5. The treasurer, two thousand four hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the treasurer, one clerk, 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 clerk to be paid in the same manner and at the same time as the salaries of other county officers are paid.

Tax collector. 6. The tax collector, two thousand dollars per annum; *provided*, he shall have power to appoint one deputy at a salary of seventy-five dollars per month, payable at the same time and in the same manner as that of other county officers; *and provided, further*, that in counties of this class all the fees and commissions of every name and nature received by the tax collector shall be paid into the county treasury.

Assessor. 7. The assessor, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the assessor one clerk, which office is hereby created, at a salary of one hundred dollars per month, and who shall be appointed by the assessor. 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 assessor is paid. The assessor may also appoint seven field clerks, which offices of field clerk are hereby created, to serve not exceeding sixty days in any one year, and said field clerks shall receive as compensation for all services performed as such, the sum of seven dollars and fifty cents 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 the salaries of the county officers are paid; *provided*, 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 assessor, showing the number of days actually and necessarily employed in 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 collec-

tion of taxes on personal property, for services in making out the roll of persons subject to military duty, and all other fees and commissions shall be collected by the assessor and by him paid into the county treasury and no part shall be retained by him as part of his compensation.

8. The district attorney, three thousand six hundred dollars Attorney. per annum, and he is hereby allowed in addition thereto one clerk to be appointed by him, who shall receive nine hundred dollars per annum, said salary to be paid in the same manner, at the same time, and out of the same fund as the salaries of other county officers are paid.

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

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

11. The superintendent of schools, two thousand one hundred dollars per annum and actual traveling expenses when visiting schools of his county, and such per diem as he may be now or hereafter allowed by law for his services on the board of education; *provided*, that in counties of this class there is allowed to the superintendent of schools one clerk, which office of clerk is hereby created, at a salary of seventy-five dollars per month, and who shall be appointed by the superintendent of schools. The salary of said clerk is to be paid at the same time, in the same manner, and out of the same fund as the salaries of the other county officers are paid. Supt. of schools.

12. The county surveyor, two thousand seven hundred Surveyor. fifty dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the surveyor one deputy, who shall be appointed by the surveyor of said county, and shall be paid a salary of one thousand five 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. The county surveyor shall make all maps, plats and block books required by the county assessor; he shall do all work for the county in which the county employs a surveyor or civil engineer; he shall have general advisory supervision over all road and bridge work for the county and shall file annually with the board of supervisors a statement, which shall be published as a part of the proceedings of said board, showing the cost of all new road and bridge construction in the county, also the cost per mile of maintaining the different roads of the county for the preceding fiscal year; *and provided, further*, that when in the judgment of the board of supervisors of the county it is necessary to employ additional assistants for the performance of any of said work, the board of supervisors shall allow the necessary actual expense thereof; *and provided, further*, that said county surveyor shall be allowed all necessary transportation and expenses incurred by himself or deputies for work performed in the field; 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 other county officers are paid. The salary herein fixed for said surveyor shall be in lieu of all fees, commissions or compensation of whatsoever kind or nature for services performed by said surveyor for said county. All acts or parts of acts relative to such fees, commissions or compensation for work performed for counties of this class by such county surveyor are hereby repealed.

Justices of
the peace.

13. 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 three thousand five hundred, or more, seventy-five dollars 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 five hundred, or more, and less than three thousand five hundred, fifty dollars per month; in townships where the population is one thousand five hundred, or more, and less than two thousand five hundred, thirty-five dollars per month; in townships where the population is one thousand, or more, and less than one thousand five hundred, twenty-five dollars per month; in townships where the population is less than one thousand, fifteen dollars per month; *provided*, that all fees and fines chargeable and collectible by justices of the peace in civil and criminal cases for services rendered by them shall be collected by them and by them paid monthly into the county treasury; *provided, further*, that for the purpose of this subdivision, the population of the several townships shall be ascertained by the board of supervisors, by multiplying the number of registered voters at the last general election of each township by three.

Constables.

14. Constables, in townships having a population of two thousand, or more, shall receive a monthly salary of fifty dollars per month; in townships having a population of one thousand or less than two thousand, shall receive a salary of forty dollars per month and in townships having a population of less than one thousand shall receive a salary of twenty dollars per month. Constables shall also receive actual traveling expenses in transporting prisoners to the county jail. The salaries of township officers, herein provided for, shall be paid monthly, in the same manner as the salaries of the county officers are paid, and shall be in full compensation for all services rendered by them in criminal cases.

Supervisors.

15. The meetings of the board of supervisors shall be monthly and shall be held on the first Monday of each and every month. Each member of the board of supervisors is to receive a salary of one thousand two hundred dollars per annum and mileage at the rate of twenty cents per mile from his home to and from county seat.

76. Grand jurors and trial jurors in the superior court shall receive from each day's attendance per day the sum of three dollars. In justices' courts in civil and criminal cases, the jurors sworn to try the case shall receive for each day's attendance per day the sum of two dollars. All jurors shall receive for each mile actually and necessarily traveled from his residence to the place of service the sum of fifteen cents per mile; *provided*, that in justice courts mileage shall be allowed only to those sworn to try the case. Jurors.

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

CHAPTER 69.

An act to amend section four thousand two hundred seventy-nine of the Political Code, relating to salaries of officers of counties of the fiftieth class.

[Approved by the Governor April 14, 1925.]

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

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

4279. In counties of the fiftieth class, the county officers shall receive as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit: Counties of 50th class: salaries and fees of officers.

1. County clerk. The county clerk, two thousand dollars per annum, except in the years when a general election is held, and in such years he shall receive two thousand three hundred dollars per annum, and said clerk may appoint one deputy clerk, which office is hereby created, who shall receive a salary of nine 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 clerk is paid. Clerk.

2. Sheriff. The sheriff, four thousand dollars per annum. He shall have one deputy at one thousand two hundred dollars per annum, which office is hereby created. Sheriff.

3. Recorder. The recorder, one thousand eight hundred dollars per annum. He shall have one deputy, which office is hereby created, at a salary of nine hundred dollars per annum. Recorder.

4. Auditor. The auditor, four hundred dollars per annum. Auditor.

5. Treasurer. The treasurer, two thousand dollars per annum. Treasurer.

Tax collector. 6. Tax collector. The tax collector, seven hundred fifty dollars per annum.

Assessor. 7. Assessor. The assessor, two thousand six hundred dollars per annum. He shall have one deputy, which office is hereby created, at a salary of five hundred dollars per annum; *provided, however,* that such compensation shall be in full for all services of every kind and description rendered by the assessor; *and it is further provided,* that in counties of this class from and after the date upon which this act takes effect, the assessor shall pay into the county treasury for the use of the county all commissions and fees which would otherwise be allowed to him by the provisions of section four thousand two hundred ninety of the Political Code, as compensation for the services therein mentioned.

Attorney. 8. District attorney. The district attorney, two thousand dollars per annum.

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

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

Supt. of schools. 11. Superintendent of schools. The superintendent of schools, two thousand dollars per annum and actual traveling expenses when visiting the schools of the county.

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

Classification of townships. 13. Classification of townships. Justices of the peace. For the purpose of fixing the compensation of justices of the peace according to their duties, townships of this class of counties are hereby classified according to population. The population shall be determined by the board of supervisors upon the enactment of this act, and also at the time of formation of any new township or townships. The board may determine such population by multiplying by three the number of registered voters at the last general election next preceding the date of such determination.

Townships having a population of one thousand two hundred or more shall belong to and be known as townships of the first class; townships having a population of six hundred and less than one thousand two hundred shall belong to and be known as townships of the second class; townships having a population of three hundred and less than six hundred shall belong to and be known as townships of the third class; townships having a population of less than three hundred shall belong to and be known as townships of the fourth class.

Justices of the peace. There shall be but one justice of the peace for each township of this class of counties. Justices of the peace shall receive the following salaries: In townships of the first class the sum of nine hundred dollars per annum; in townships of the second class the sum of one hundred eighty dollars per annum; in townships of the third class the sum of one hundred twenty dollars per annum; in townships of the fourth class the sum of sixty dollars per annum.

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

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

14. Constables. Constables, such fees as are now or may hereafter be allowed by law. Constables.

15. Supervisors. Each supervisor, one thousand dollars per annum and mileage from residence to the county seat at each sitting of the board of twenty cents per mile; said compensation to be in full for services either as supervisor or for mileage as road commissioner. Supervisors.

15a. County librarian. There is created for counties of the fiftieth class the office of county librarian; the librarian shall be appointed by the board of supervisors for a term of four years and shall receive a salary of one thousand eight hundred dollars per annum, to be paid in equal monthly installments at the same time and in the same manner as other county officers are paid. Librarian.

16. Reporter. Reporter, in counties of this class, the official reporter of the superior court shall receive a salary of seventy-five dollars per month to cover all work done in criminal cases, both in the superior court and justices' courts of the county, and shall receive as compensation for taking notes in civil cases tried in the superior court a per diem of ten dollars. He shall also receive as compensation for transcribing notes whether in civil or criminal cases, the amount now or to be hereafter provided by law, such compensation for transcribing to be paid in such manner as now or may hereafter be provided by law. He shall also be allowed his actual traveling expenses when reporting outside the county seat. Reporter.

17. License collector. The license collector, the sum of one thousand fifty dollars per annum; *provided, however*, that such compensation shall be in full for all services of every kind and description rendered as such license collector; *and it is further provided*, that in counties of this class from and after the date upon which this act takes effect, the said license collector shall pay into the county treasury for the use of the county all commissions and fees which would otherwise be allowed to him as now provided by law as compensation for the services therein mentioned. The provisions of this subdivision are not intended to increase the compensation of the incumbent of such office but are intended to change the compensation of the license collector from the fee system to a fixed salary basis and shall take effect ninety days after the final adjournment of the forty-sixth session of the legislature. License collector.

18. Jurors. Grand and trial jurors, three dollars per day, and such mileage fees as may be allowed by law. Jurors.

19. Witnesses. Witnesses in attendance upon either the superior or justices' courts shall receive two dollars per day and such mileage fees as may be allowed by law. Witnesses.

CHAPTER 70.

An act to provide for the regulation, control and licensing of any person, firm or corporation engaging in the business of milling, sampling, concentrating, reducing, purchasing, or receiving for sale ores, concentrates, or amalgams, bearing gold or silver, gold dust, silver or gold bullion, nuggets or specimens; to provide rules and regulations therefor; and to provide penalties for the violation of the provisions of this act.

[Approved by the Governor April 15, 1925.]

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

License
to handle
ores, etc.

SECTION 1. Hereafter it shall be unlawful for any person, firm, association or corporation, without first procuring the license hereinafter provided for, to engage in the business of milling, sampling, concentrating, reducing, purchasing or receiving for sale ores, concentrates, or amalgams, bearing gold or silver, gold dust, gold or silver bullion, nuggets or specimens. Every person, firm, association or corporation engaged in such business shall pay a license tax of one hundred dollars (\$100) per annum to the State of California. No license shall be granted to any person, firm or association unless such person and the members of such firm or association shall be bona fide residents of the State of California, and no license shall be granted to any joint stock company or corporation organized under the laws of any other state or foreign country unless such company or corporation has complied with all the laws of this state relating to the qualification of foreign corporations to do business in this state; *provided*, that this section shall not be construed as requiring a license for any mill, sampler, concentration or reduction plant used exclusively by the owner in sampling, milling, reducing or concentrating ores produced by such owner.

Applications
for licenses.

SEC. 2. The application for license to carry on such business must be made to the state mineralogist of the State of California, and shall contain the full names and addresses of applicants, if natural persons, and in the case of firms and associations the full names and addresses of the members thereof, and in the case of corporations, the full names and addresses of the officers and directors thereof, and the place or places where such business is to be carried on. Such application shall be sworn to by the person making it. Every license granted shall date from the first day of the month in which it is issued and expire on the thirty-first day of the following December, and such license or copies thereof shall be kept conspicuously displayed in the place or places of business of the licensee within the State of California. Every application shall be filed not less than thirty days prior to the granting of such license, and notice of the filing of such application shall be posted in the office of said state mineralogist and be published at the cost of the applicant once a week

Notice.

for three successive weeks in a newspaper published in the county or counties where such business is to be carried on. Protest may be made by any person to the issuing of such license, and when such protests are filed with the state mineralogist, the latter shall give notice of and hold a public hearing upon said protest before issuing such license. The said state mineralogist shall have the power to reject any application or license after a hearing upon such protest as aforesaid, and he shall also have power to revoke any license for failure on the part of the licensee to observe this act or any part thereof, or when the licensee shall have violated the provision or provisions of any law of the State of California relating to ore buying or of any law of said state relating to larceny or receiving stolen property; *provided*, that no license shall be revoked except upon written charges filed by two or more reputable persons as accusers, specifying the violations of law for which revocation is sought, and after a public hearing as in case of protests against the granting of licenses. An application for a review of any order granting, refusing, or revoking, a license made by the state mineralogist under this act, may be made to the superior court in and for the county where the aggrieved parties reside, by any person or persons who may feel aggrieved by such order and whose name or names appear in the record of the proceedings before the state mineralogist as a licensee, applicant for license, protestant, or accuser, by lodging in the office of the clerk of said court a certified copy of the transcript of the proceedings before the state mineralogist, including copies of all papers filed therein. The transcript shall be accompanied by a short petition naming the person or persons applying for the review as plaintiff or plaintiffs and the state mineralogist as defendant, and praying for a review of the order.

Protests.

Rejection
or revoca-
tion.Review
of order.

Within ten days after lodging such application the party or parties applying for the review shall serve notice of its pendency upon the state mineralogist, in writing, and if the review be of an order granting a license or refusing to revoke a license, such notice shall also be served upon the person to whom the license was thereby granted or whose license was thereby permitted to remain in force.

Notice of
pendency.

Such notice may be served by personal delivery or by registered mail, and proof of service shall be made to the satisfaction of the court if not admitted. No review shall be allowed unless taken within thirty days after entry of the order. The said court shall try all such reviews upon the transcript, and such evidence as may be offered and admitted. When the court has finally determined any such proceeding, it shall forthwith cause its order in the premises to be certified to the state mineralogist. The costs in such review shall be awarded at the discretion of the court, and if any costs are awarded against the state mineralogist, the same shall be paid out of funds arising from the payment of license fees under this act. When a review is had, as herein provided, of an

Hearing

order of the state mineralogist revoking a license, such review shall operate as a stay upon such order.

For the making of the transcript herein provided for, the state mineralogist shall collect from the person or persons ordering the same, twenty-five cents per folio of one hundred words, and twenty-five cents for certifying the same.

The superior court in and for the county or city and county in which the aggrieved party or parties reside shall have the right and jurisdiction to review the action of the state mineralogist in granting, refusing, or revoking a license.

Bond.

SEC. 3. Each application shall be accompanied by a bond to be approved by the said state mineralogist to the people of the State of California in the penal sum of three thousand dollars (\$3000), with two or more sufficient sureties or by a surety company duly authorized to do business in this state, and conditioned that the obligor will not violate any law applicable to such business. If any person shall be aggrieved by the misconduct of any such licensee through his violation of any law relating to such business, and shall recover a judgment therefor, such person may, after a return unsatisfied in whole or in part of any execution issued upon said judgment, maintain an action in his own name upon such bond herein required in any court of competent jurisdiction. The state mineralogist shall furnish to any one applying therefor a certified copy of any such bond filed with him, upon the payment of a fee of twenty-five cents, and such certified copy shall be prima facie evidence in any court that such bond was duly executed and delivered by each person whose name appears thereon. Said bond shall be renewed and refiled prior to the date of its expiration, or the licensee shall, within thirty days thereafter, cease doing business, and his license shall be revoked by said state mineralogist; but said bond until renewed and refiled, shall remain in full force and effect for a period of three years from the time of approval thereof by the state mineralogist.

Actions.

Renewal
of bond.

Record of
ores handled.

SEC. 4. Every person, firm, association or corporation, carrying on such business, shall keep and preserve a book in which shall be entered at the time of the delivery of any ores, concentrates or amalgams, bearing gold or silver, gold dust, gold or silver bullion, nuggets or specimens:

First—The name of the party on whose behalf such ores, concentrates, gold dust, gold or silver bullion, nuggets or specimens are delivered;

Second—The weight, or amount, and a short description of each lot thereof;

Third—The name and location of the mine or claim from which it shall be stated that the same has been mined or procured;

Fourth—The name of the party delivering the same;

Fifth—The date of delivery; and

Sixth—Whether the party making the delivery is a licensee, superintendent, foreman, or workman in such mine.

Such book shall be open for inspection to the said state mineralogist, his deputies, officers, and agents, on every day except Sundays and legal holidays, between the hours of nine o'clock in the forenoon and five o'clock in the afternoon. If any person, on his own behalf or being duly authorized thereunto by another, shall make and file with the said state mineralogist an affidavit stating that to his best knowledge and belief he or his principals, as the case may be, has, within the three months next preceding the filing of such affidavit, sustained a loss of any of the above described property, by theft or trespass, and that he believes that such property was delivered to a licensee under this act, naming such licensee, the state mineralogist shall forthwith issue a permit to such person to examine the book kept by such licensee under this act; and upon the presentation of such permit to such licensee, such person shall have the right to inspect and examine the entries made in said book during said period of three months, on the same terms and conditions as the state mineralogist.

Examination
of record.

SEC. 5. Any licensee under this act who shall fail, or neglect or refuse to keep and preserve the book herein provided for, shall forfeit his license and shall in addition, upon conviction, be liable to the penalties provided in section eight of this act. Any licensee or other person who shall knowingly make any false entries upon such book, or knowingly enter or cause to be entered upon the same any false or fictitious names, shall upon conviction, be liable to the penalties provided in section eight of this act. Any licensee who shall refuse to permit any person duly authorized as herein provided to inspect said book or the entries therein, shall, on conviction, be liable to the penalties provided for a violation of this act and shall forfeit his license.

Penalties
for violation
of act.

SEC. 6. Any person who shall knowingly make any false statements concerning any of the facts required to be stated in section four of this act shall be guilty of a misdemeanor.

Penalty
for false
statements.

SEC. 7. Complaints against any licensee or applicant shall be made in writing to said state mineralogist, and reasonable notice thereof, not less than three days, shall be given to said licensee or applicant by serving upon him a copy of such complaint, and a hearing shall be had before the said state mineralogist within one week from the date of the filing of the complaint, and no adjournment shall be taken for longer than one week. A daily calendar shall be kept of all hearings by said state mineralogist, which shall be posted in a conspicuous place in his public office for at least three days before the date of such hearing. The said state mineralogist shall keep a record of all such complaints and hearings, and may refuse to issue and shall suspend or revoke any license for any good cause shown, within the meaning and purpose of this act; and when it is shown that any licensee or applicant under this act, either before or after conviction, is guilty of any conduct in violation of this or any law relating to such business, it shall be the duty of the said state mineralogist of the State of Cali-

Complaints,
hearings and
decisions.

fornia to suspend, revoke or reject the license of such licensee or applicant, but notice of the proposed action shall be presented to and reasonable opportunity shall be given licensee or applicant to be heard in his defense. Whenever for any reason such license is revoked, said state mineralogist shall not issue another license to said licensee until the expiration of at least one year from the date of revocation of such license. The state mineralogist shall decide all matters submitted to him within thirty days from the time he takes them under advisement.

Penalties
and their
enforcement.

SEC. 8. Any violation of sections one, four, and five of this act shall be punishable by a fine of not less than one hundred (\$100) dollars and not more than one thousand (\$1,000) dollars, or by imprisonment in the county jail for not less than thirty days or more than six months or both such fine and imprisonment. The said state mineralogist shall notify the district attorney of the county in which the offense occurs of such violation, and the said district attorney shall institute criminal proceedings for the enforcement of this act before any court of competent jurisdiction.

Disposition
of funds.

SEC. 9. The expenses of the state mineralogist arising out of this act shall be defrayed out of the moneys paid in from time to time for licenses issued hereunder. Any balance remaining in the hands of said state mineralogist at the end of every six months derived through this act, shall be turned over to the general fund of the state.

Transferal
of duties.

SEC. 10. Should the duties of the state mineralogist be transferred to a director or department of mines and mineral resources, all of the powers, rights, duties and responsibilities of the state mineralogist provided in this act shall be thereby transferred to such director or department of mines and mineral resources.

Constitu-
tionality.

SEC. 11. 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 this act. The legislature hereby declares that it would have passed this act and each sentence, clause and phrase thereof, irrespective of the fact that any one or more of the sections, sentences, clauses or phrases be declared unconstitutional.

CHAPTER 71.

An act to add a new section to the Penal Code to be numbered three hundred fifty-three a, relating to the sale of lubricating oils for internal combustion engines.

[Approved by the Governor April 16, 1925.]

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 three hundred fifty-three a, and to read as follows:

353a. It shall be unlawful for any person, firm or corporation to sell, offer for sale or delivery, or to cause or permit to be sold, offered for sale or delivery any oil represented as lubricating oil for internal combustion engines unless there shall be firmly attached to or painted at or near the point of outlet from which said oil represented as lubricating oil for internal combustion engines is drawn or poured out for sale or delivery, a sign or label consisting of the word or words in letters not less than one-half ($\frac{1}{2}$) inch in height, comprising the brand or trade name of said lubricating oil; *provided* that when said sign or label is attached to the faucet or valve of a tank-truck or tank-wagon, the letters shall be not less than three-quarter inch in height, *and provided*, that if any of said lubricating oil shall have no brand or trade name, the above required sign or label shall consist of the words, in letters not less than three (3) inches high, with the exceptions above provided, "Lubricating oil, no brand." Any person, firm or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and punishable by a fine of not less than fifty dollars or more than three hundred dollars, or by imprisonment in the county jail for not less than twenty or more than ninety days, or both.

Lubricating
oil container
to be
labeled.

Penalty.

CHAPTER 72.

An act to amend section six hundred thirty-four of the Civil Code of the State of California, relating to the issuance of shares and investment certificates of building and loan associations and relating to the creation of a reserve fund; selection of directors and fees chargeable by such associations.

[Approved by the Governor April 16, 1925.]

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

SECTION 1. Section six hundred thirty-four of the Civil Code of the State of California 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 payment 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

Capital.

Dues.

Shares.

so provide, in any or all of the following forms, viz: "full paid," "pass book," and "guarantee."

Installment
shares.

(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.

Full paid
shares.

(b) Full paid shares shall be shares upon which a single payment 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 book
shares.

(c) Pass book 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.

(e) Every corporation specified in this title, in addition to being entitled to issue investment certificates to adults, shall also have power to issue one or more investment certificates to a minor of any age and receive payments thereon by or for such minor. If such minor be fourteen years of age or over, he shall be entitled to withdraw, transfer or pledge any such certificate owned by him and to receive from such corporation any and all interest or other moneys at any time becoming due thereon and his receipt or acquittance therefor shall constitute a valid release and discharge to the corporation for the payment of such money. Minors as shareholders.

(f) Every corporation specified in this title issuing installment or full paid investment certificates, or both, shall at all times have issued and fully paid for, either an amount of guarantee capital stock, or permanent non-withdrawable capital stock, or both such guarantee capital stock and permanent non-withdrawable capital stock, or a reserve fund, equal to ten per cent of the aggregate amount of its liability on its said installment investment certificates and full paid investment certificates; *provided, however*, that the aggregate of guarantee capital stock, or permanent non-withdrawable capital stock, or both such guarantee capital stock and permanent non-withdrawable capital stock, or a reserve fund, of every building and loan association issuing installment or full paid investment certificates, or both, must equal the following percentages of its investment certificate liabilities: Ratio of permanent capital to investment certificate liabilities.

1. Ten per centum of any amount up to and including one million dollars.
2. Seven and one-half per centum of any amount in excess of one million dollars, up to and including two million dollars.
3. Five per centum of any amount in excess of two million dollars, up to and including five million dollars.
4. Three per centum of any amount in excess of five million dollars.

(g) 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. Directors.

(h) Every corporation specified in this title shall also have power, by its by-laws, to charge and collect an entrance fee, for each share of stock, or membership share, or investment certificate, it may issue, not exceeding one dollar on each share or investment certificate having a matured or face value of one hundred dollars, and also to charge and collect a transfer fee, not exceeding ten cents on each share, or investment certificate, 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 certificate holder, or against any of his shares or certificates, 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. Fees.

CHAPTER 73.

An act to provide for the approval of plans for the construction or alteration of county jails by the immigration and housing commission.

[Approved by the Governor April 16, 1925.]

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

Approval
of county
jail plans.

SECTION 1. All duties, powers and responsibilities of the state board of charities and corrections over and relating to the approval of plans for the construction and alteration of county jails as is now provided in section three of an act entitled "An act to create a state board of charities and corrections, prescribing its duties and powers, and appropriating money therefor," approved March 25, 1903, as amended, is hereby transferred to and imposed upon the immigration and housing commission.

CHAPTER 74.

An act to amend section one thousand two hundred thirty-eight of the Code of Civil Procedure, relating to the exercise of the right of eminent domain.

[Approved by the Governor April 16, 1925.]

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

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

Uses for
which right
may be
exercised.

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 U. S.

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,
public
corporations,
etc.

3. Any public utility, and public buildings and grounds, for the use of any county, incorporated city, or city and county, village, town, school district, or irrigation district, ponds, lakes, canals, aqueducts, reservoirs, tunnels, flumes, ditches, or pipes, lands, water system plants, buildings, rights of any nature in water, and any other character of property necessary for conducting or storing or distributing water for 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 develop-

ment 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, tollroads, 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 water, water rights, canals, ditches, dams, poundings, flumes, aqueducts and pipes for irrigation of lands furnished with water by corporations supplying water to the lands of the stockholders thereof only, and lands with all wells and water therein adjacent to the lands of any municipality or of any corporation, or person supplying water to the public or to any neighborhood or community for domestic use or irrigation.

Wharves,
bridges,
ferries, etc.

5. Roads, tunnels, ditches, flumes, pipes, aerial and surface tramways and dumping places for working mines; also outlets, natural or otherwise, for the flow, deposit or conduct of tailings or refuse matter from mines; also an occupancy in common by the owners or possessors of different mines of any place for the flow, deposit, or conduct of tailings or refuse matter from their several mines.

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, telephone, radio and wireless 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.

Engine roads.

10. Oil pipe lines.

Pipe lines.

Railroads. 11. Railroads, roads and flumes for quarrying, logging or lumbering purposes.

Canals, etc. 12. Canals, reservoirs, dams, ditches, flumes, aqueducts, and pipes and outlets natural or otherwise for supplying, storing, and discharging water for the operation of machinery for the purpose of generating and transmitting electricity for the supply of mines, quarries, railroads, tramways, mills, and factories with electric power; and also for the applying of electricity to light or heat mines, quarries, mills, factories, incorporated cities and counties, villages, towns, or irrigation districts; and also for furnishing electricity for lighting, heating or power purposes to individuals or corporations; together with lands, buildings and all other improvements in or upon which to erect, install, place, use or operate machinery for the purpose of generating and transmitting electricity for any of the purposes or uses above set forth.

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 generation, transmission or distribution of electricity for the purpose of furnishing or supplying electric light, heat or power to any county, city and county or incorporated city or town, or irrigation district, or the inhabitants thereof, or necessary for the property 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.

Cemeteries. 14. Cemeteries for the burial of the dead, and enlarging and adding to the same and the grounds thereof.

Abstract and title companies. 15. The plants, or any part thereof, or any record therein of all persons, firms or corporations heretofore, now or hereafter engaged in the business of searching public records, or publishing public records or insuring or guaranteeing titles to real property, including all copies of, and all abstracts or memoranda taken from, public records, which are owned by, or in the possession of, such persons, firms or corporations or which are used by them in their respective businesses; *provided, however,* that the right of eminent domain in behalf of the public uses mentioned in this subdivision may be exercised only for the purposes of restoring or replacing, in whole or in part, public records, or the substance of public records, of any city, city and county, county or other municipality, which records have been, or may hereafter be, lost or destroyed by conflagration or other public calamity; *and provided, further,* that such right shall be exercised only by the city, city and county, county or municipality whose records, or part of whose records, have been, or may be, so lost or destroyed.

Fairs. 16. Expositions or fairs in aid of which the granting of public moneys or other things of value has been authorized by the constitution.

17. Works or plants for supplying gas, heat, refrigeration or power to any county, city and county, or incorporated city or town, or irrigation district, or the inhabitants thereof, together with lands, buildings, and all other improvements in or upon which to erect, install, place, maintain, use or operate machinery, appliances, works and plants for the purpose of generating, transmitting and distributing the same and rights of any nature in water, or property of any character necessary for the purpose of generating, transmitting and distributing the same, or necessary for the proper development and control of such use of such gas, heat, refrigeration, or power, either at the time of the taking of said property, or for the future proper development and control thereof.

Gas works,
etc.

18. Standing trees and ground necessary for the support and maintenance thereof, along the course of any highway, within a maximum distance of three hundred feet on each side of the center thereof; and ground for the culture and growth of trees along the course of any highway, within the maximum distance of three hundred feet on each side of the center thereof.

Trees along
highways.

CHAPTER 75.

An act to amend section four thousand three hundred seven of the Political Code, relating to county charges.

[Approved by the Governor April 16, 1925.]

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

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

4307. The following are county charges:

1. Charges incurred against the county by virtue of any of the provisions of this act.

County
charges.

2. The traveling and other personal expenses of the district attorney, incurred in criminal cases arising in the county, and in civil actions and proceedings in which the county is interested, and all other expenses necessarily incurred by him in the detection of crime and prosecution of criminal cases, and in civil actions and proceedings and all other matters in which the county is interested.

3. The expenses necessarily incurred in the support of persons charged with or convicted of crime and committed therefor to the county jail, and for other services in relation to criminal proceedings for which no specific compensation is prescribed by law.

4. The sums required by law to be paid to the grand and trial jurors and witnesses in criminal cases.

5. The accounts of the coroner of the county for such services as are not provided to be paid otherwise.

6. All charges and accounts for services rendered by any justice of the peace in the examination or trial of persons

charged with crime, not otherwise provided for and allowed by law.

7. The necessary expenses incurred in the support of the county hospitals, almshouses, and the indigent sick and otherwise dependent poor, whose support is chargeable to the county.

The board of supervisors may, in its discretion, authorize the payment of expenses incurred, by county authorities, for temporary, emergency, or extended care or treatment of indigent patients of such county, by local hospitals.

8. The contingent expenses necessarily incurred for the use and benefit of the county.

9. Every other sum directed by law to be raised for any county purpose under the direction of the board of supervisors, or declared to be a county charge.

10. The fees of constables in criminal cases allowed by law.

11. The actual and necessary expenses of county auditors, clerks, district attorneys, assessors, sheriffs, coroners, recorders, and tax collectors, incurred while traveling to and from and while attending the annual convention of their respective associations; *provided*, that in no event shall such expense exceed the sum of fifty dollars for each of said officers in any one year.

12. The necessary expenses other than attorney's fees incurred by county auditors and treasurers in the defense and prosecution of any action brought by, or against said officers, for the purpose of testing the validity or constitutionality of any act of the legislature providing for the payment of county funds or funds held in trust by the county.

CHAPTER 76.

An act to amend an act entitled "An act to regulate the payment of wages or compensation for labor or service in private employment, establishing regular pay days, providing penalties for the violation of its provisions, authorizing the commissioner of the bureau of labor statistics to enforce this act, defining the duties of district attorneys relative to its enforcement, providing for the collection of certain penalties by civil action at the direction of said commissioner and for the disposition of penalties so collected; repealing an act entitled 'An act providing for the time of payment of wages,' approved May 1, 1911, as amended April 28, 1915, and repealing an act entitled 'An act to regulate the payment of wages or compensation of employe'es in private employments; to provide for regular pay days in such employments; providing a penalty for the violation thereof; and authorizing the commissioner of bureau of labor statistics to enforce the provisions of this act,' approved June 8, 1915," approved May 6, 1919, by amending section four thereof, providing for the posting of notices with reference to the time of payment of wages,

the place where wages shall be paid, manner of payment, payment in case of strikes and penalties for violations thereof, so as to provide additional penalties for failures to pay monthly or semimonthly as in section two of the said act provided and providing for the collection of the civil penalties provided by civil action by the said commissioner.

[Approved by the Governor April 16, 1925.]

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

SECTION 1. Section four of an act entitled "An act to regulate the payment of wages or compensation for labor or service in private employment, establishing regular pay days, providing penalties for the violation of its provisions, authorizing the commissioner of the bureau of labor statistics to enforce this act, defining the duties of district attorneys relative to its enforcement, providing for the collection of certain penalties by civil action at the direction of said commissioner, and for the disposition of penalties so collected; repealing an act entitled 'An act providing for the time of payment of wages,' approved May 1, 1911, as amended April 28, 1915, and repealing an act entitled 'An act to regulate the payment of wages or compensation of employes in private employments; to provide for regular pay days in such employments; providing a penalty for the violation thereof; and authorizing the commissioner of the bureau of labor statistics to enforce the provisions of this act,' approved June 8, 1915," approved May 6, 1919, is hereby amended to read as follows:

Stats. 1919,
p. 295,
amended.

Sec. 4. Every employer shall post and keep posted conspicuously at the place of work, if practicable, or otherwise where it can be seen as employees come or go to their place of work, or at the office or nearest agency for payment kept by the employer, a notice specifying the regular pay days and the time and place of payment, in accordance with the provisions of section two of this act, also any changes in those regards occurring from time to time. Every employee who is discharged shall be paid at the place of discharge, and every employee who quits or resigns shall be paid at the office or agency of the employer in the county or city and county where such employee has been performing the labor or service for the employer. All payments of money or compensation shall be made in the manner provided by law. In the happening of any strike, the unpaid wages or compensation earned by such striking employees shall become due and payable on the employer's next regular pay day, and the payment or settlement shall include all amounts due such striking employees without abatement or reduction, and the employer shall return to each such striking employee any deposit or money or other guaranty required by him from such employee for the faithful performance of the duties of the employment. Any person, firm, association, or corporation, or agent, manager, superintendent, or officer thereof, who shall violate any of the

Notice of
time and
place of
payment.

In case
of strike.

provisions of this section or of section two of this act shall be guilty of a misdemeanor, and any failure to post and keep posted any notice as in this section prescribed shall be deemed prima facie evidence of a violation of this section and of section two of this act.

Failure to
pay all
employees.

In addition to any other penalty provided, every person, firm, association, or corporation who shall fail to pay the wages of all its employees, as in section two of this act provided, shall forfeit to the people of the state the sum of ten dollars for each such failure to pay each employee, to be recovered by the commissioner of the bureau of labor statistics in a civil action. Such action shall be brought in the name of the said commissioner and all money recovered therein shall be forwarded by him to the state treasurer to become a part of the general fund of the state. When action to recover such penalties is brought, no court costs of any nature shall be payable by the said commissioner in connection with same and any sheriff or constable requested by the said commissioner to serve the summons in the said action upon any defendant within his jurisdiction, shall do so without cost to the said commissioner; *provided, however*, that he must specify, when he returns the summons, what costs he would ordinarily have been entitled to for such service, and such costs and the other regular court cost that would have accrued were the said action not an official action shall be made a part of any judgment recovered by the said commissioner and shall be paid by him out of the first money recovered on said judgment, before any money collected is sent to the state treasurer.

CHAPTER 77.

An act to amend sections one, two, three, four, five, eight, ten and eleven of an act entitled "An act to provide for the formation of districts within municipalities for the acquisition or construction of public improvements, works and public utilities; for the issuance, sale and payment of bonds of such districts to meet the cost of such improvements; and for the acquisition or construction of such improvements," approved April 20, 1915, as amended, and to add a new section thereto to be numbered section eleven and one-half, providing for the disposition of money raised by the sale of bonds under said act, whenever it has by resolution been declared to be no longer necessary to expend said money for the purpose for which the bonds were voted by reason of the fact that such purpose has been accomplished by other means.

[Approved by the Governor April 16, 1925.]

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

Stats. 1919,
p. 670,
amended.

SECTION 1. Section one of an act entitled "An act to provide for the formation of districts within municipalities for the acquisition or construction of public improvements, works

and public utilities; for the issuance, sale and payment of bonds of such districts to meet the cost of such improvements; and for the acquisition or construction of such improvements," approved April 20, 1915, as amended, is hereby amended to read as follows:

Section 1. Any portion of a municipality incorporated under the laws of this state may be formed into a municipal improvement district for the purpose of creating an indebtedness, to be represented by bonds of said district, the proceeds from the sale of which shall be used for the acquisition or construction of any public improvement, work or public utility which such municipality is authorized by law to acquire or construct. Such districts shall be formed and such bonds shall be issued and sold in the manner and under the proceedings hereinafter set forth. Municipal improvement districts.

Sec. 2. Section two of said act approved April 20, 1915, as amended, is hereby amended to read as follows: Stats. 1919, p. 670, amended.

Sec. 2. Whenever a petition, verified by one or more persons and signed by not less than ten per cent of the qualified electors residing in the territory which is proposed to be formed into a municipal improvement district, setting forth a general description of the improvement, work or public utility to be acquired or constructed and a general description of the exterior boundaries of such proposed district, shall have been filed in the office of the clerk of the legislative body of said city, and the genuineness of the signatures thereto shall have been certified to by the city clerk, said legislative body may adopt an ordinance declaring its intention to call an election in said proposed district, or as the same may have been modified as herein provided, for the purpose of submitting to the qualified electors of said district the proposition of authorizing the issuance and sale of bonds of such district in the manner and for the purpose set forth in said ordinance of intention. Said legislative body shall have power to change or modify the boundaries of said district and the nature, character or extent of such proposed public improvement, work or public utility. Said ordinance of intention shall also contain: Petition for election.

1. An accurate description of the exterior boundaries of the proposed municipal improvement district; Ordinance of intention.

2. A general description of the improvement, work or public utility proposed to be acquired or constructed;

3. An estimate of the cost of the proposed improvement, work or public utility and an estimate of the incidental expense in connection therewith;

4. That upon a certain date fixed therein an election will be held in said district for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of such district to pay the cost and expenses of the proposed improvement, work or public utility, and that a map showing the exterior boundaries of said district with relation to the territory immediately con- Contents of ordinance.

tiguous thereto, and a general description of the proposed improvement are on file in the office of the clerk of the legislative body of such city; which said map shall govern for all details as to the extent of the said district.

5. A date, hour and place fixed for the hearing of protests.

Stats. 1915,
p. 100,
amended.
Publication
of ordinance.

SEC. 3. Section three of said act approved April 20, 1915, as amended, is hereby amended to read as follows:

Sec. 3. Said ordinance shall be published once a day for at least six days in some newspaper of general circulation published at least six days a week in said city, or once a week for two weeks in some newspaper published less than six days per week in such municipality, and one insertion each week for two succeeding weeks shall be sufficient publication in such newspaper published less than six days per week. Such ordinance, unless otherwise provided by charter of the municipality, shall take effect upon the completion of said publication. In municipalities where no such newspaper is published such ordinance shall be posted in three public places therein, and in case of posting notice such ordinance shall take effect two weeks after date of such posting of notice.

Stats. 1915,
p. 100,
amended.
Protests.

SEC. 4. Section four of said act approved April 20, 1915, as amended, is hereby amended to read as follows:

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 work, or to the acquiring or construction of the proposed public utility, or to the inclusion of his property in said district, may file a written protest, setting forth such objection, with the clerk of the legislative body at or before the time set for the hearing of said petition. The clerk of said legislative body 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 legislative body 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 of such protests against the proposed improvement or work, or against the acquisition or construction of the public utility be sustained, no further proceeding shall be had or taken pursuant to the petition, but a new petition for the same or a similar purpose may be filed at any time after the expiration of six months from the date such protest was sustained. If any of such protests be against the extent of said district, or against the inclusion of property in said district, then the legislative body shall have power to make such changes in the boundaries of the proposed district as it shall find to be proper and advisable, and shall define and establish such boundaries, but said legislative body shall not modify such boundaries so as to include any territory which will not in its judgment, be benefited by said improvement, work or public utility.

Modification
of
boundaries.

Said legislative body shall not modify such boundaries except after notice of its intention so to do, given by one inser-

tion in said newspaper, 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 said proposed modification may be filed with the clerk of said legislative body by any interested person at or before the time set for hearing the same. Said legislative body 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 after the expiration of six months from the date such protest was sustained.

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 legislative body shall be deemed to have acquired jurisdiction to proceed further in accordance with the provisions of this act.

Jurisdiction
deemed
acquired.

SEC. 5. Section five of said act approved April 20, 1915, as amended, is hereby amended to read as follows:

Stats. 1915,
p. 102,
amended.

Sec. 5. At any time after said legislative body shall have so acquired jurisdiction, it may call an election to be held within the district described in the ordinance or resolution calling the election, which description shall conform with any changes in boundaries that may have been made under section four hereof, and provide for the submission to the qualified voters thereof, the proposition of incurring a debt by the issuance of bonds of such district, for the purposes set forth in the ordinance of intention. The ordinance or resolution calling such election, shall also recite the objects and purposes for which the proposed indebtedness is to be incurred, the nature of the improvement, work or public utility, contemplated thereby, the estimated cost thereof, the estimated cost of the incidental expense in connection therewith, the amount of the principal of the indebtedness to be incurred therefor and the rate of interest to be paid on such indebtedness; *provided, however*, that in its discretion said legislative body may recite in such ordinance or resolution a maximum rate of interest to be paid on such indebtedness, which rate when so recited, shall not be exceeded in the issuance of bonds for such indebtedness; and said ordinance or resolution shall fix the date on which such 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 six per centum per annum, payable semiannually.

Bond
question
submitted.

Rate of
interest.

Stats. 1915,
p. 103,
amended.
Sale of
bonds.

SEC. 6. Section eight of said act approved April 20, 1915, as amended, is hereby amended to read as follows:

Sec. 8. Said legislative body may issue and sell the bonds of such district, authorized as herein above provided, at not less than par value, and the proceeds of the sale of such bonds shall be placed in the treasury of such municipality to the credit of the proper 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 and to the incidental expense in connection therewith.

Stats. 1915,
p. 104,
amended.

Letting of
contracts.

SEC. 7. Section ten of said act approved April 20, 1915, as amended, is hereby amended to read as follows:

Sec. 10. All contracts for the construction or completion of any public work, or improvement or public utility, or for furnishing labor, materials or supplies therefor as herein provided, shall be let to the lowest responsible bidder. The legislative body of such city shall advertise for two or more days in a newspaper of general circulation printed and published in such city, inviting sealed proposals for furnishing labor, materials and supplies for the proposed improvement before any contract shall be made therefor. The said legislative body 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 the municipality itself from constructing or completing such works, improvements or public utilities and employing the labor necessary therefor, without a contractor; *and provided, further*, that in municipalities operating under a charter heretofore or hereafter framed under the provisions of the constitution of the State of California, all acts required to be performed subsequent to the sale of such bonds by this act, shall be done and performed by the proper body, board, officer or commission of such municipality, as is required or authorized by such charter to perform such acts, and in case such charter also prescribes the manner of letting and entering into contracts for the furnishing of labor, materials or supplies for the constructing or completion of public works or improvements, the contracts therefor shall be let and entered into in conformity with such charter.

City may
do work.

Stats. 1915,
p. 104,
amended.

Expenditure
of proceeds.

SEC. 8. Section eleven of said act, approved April 20, 1915, as amended, is hereby amended to read as follows:

Sec. 11. Said municipality shall, by and through its proper officers, have full power and authority to expend the proceeds acquired from the sale of such bonds for the acquisition or construction of the improvement, work or public utility set forth in the ordinance calling said election, and shall also have full power and authority to acquire or construct such improvements, works or public utilities, and such improvements, works or public utilities so acquired or constructed shall be the property of such municipality.

SEC. 9. A new section is hereby added to said act, approved April 20, 1915, as amended, to be numbered eleven and one-half and to read as follows:

Sec. 11½. Whenever the legislative body of any municipality in which a municipal improvement district has been formed hereunder, shall by resolution declare that it is no longer necessary to expend the money raised by the sale of bonds of such municipal improvement district for the purpose for which said bonds were voted, by reason of the fact that such purpose has been accomplished by other means, said legislative body of said municipality may call a special election within said municipal improvement district to obtain the consent of the qualified voters thereof to use said money for some other specified purpose for which bonds of said municipal improvement district could lawfully be issued hereunder or to place said money into a sinking fund for the purpose of paying off the principal of said bonds at any time the same may be presented for payment by the holders thereof. The ordinance calling such special election shall recite the new object and purpose for which the said money is proposed to be expended, and shall fix the date on which such special election will be held, the manner of holding such election and the manner of voting for or against the expenditure of such money for said purpose, and shall establish one or more precincts within the boundaries of said district, designate a polling place and appoint one inspector, one judge and one clerk for each such precinct, and in all particulars not recited in said ordinance such election shall be held as provided by law for holding of general municipal elections in such municipality. Such ordinance shall be published five times in a daily, or twice in a weekly or semiweekly newspaper of general circulation, printed and published in said city and designated by said legislative body for said purpose. In municipalities where no such newspaper is published, such ordinance shall be posted in three public places within said municipal improvement district 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 at such special election to authorize the expenditure of the money for the purpose mentioned in the ordinance calling said special election.

Use of
surplus
funds.

Election.

Notice of
election.

CHAPTER 78.

An act granting certain tidelands and submerged lands of the State of California to the city of Santa Barbara, subject to certain trusts.

[Approved by the Governor April 16, 1925.]

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

SECTION 1. There is hereby granted and conveyed to the city of Santa Barbara, a municipal corporation in the county of Santa Barbara, State of California, all the right, title and

Lands
granted to
city of
Santa
Barbara.

interests of the State of California, held by said state by virtue of its sovereignty, in and to all the tidelands and submerged lands (whether filled or unfilled), situated in and upon that portion of the Pacific ocean known as Santa Barbara channel in said county and lying between the line of mean high tide and the pier head line in said bay, as the same has been or may hereafter be established by the federal government, and between the prolongation of the west boundary line of the city of Santa Barbara into the Pacific ocean and the prolongation of the east boundary line of the said city of Santa Barbara into the said Pacific ocean; to be forever held by said city of Santa Barbara in trust for the uses and purposes and upon the express conditions following, to wit:

Use of
lands.

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

Leases.

Harbor to
be public.

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

To be no
discrimina-
tions.

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

Right
to fish.

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

CHAPTER 79.

An act to amend section one hundred and three and one-half of the Code of Civil Procedure, relating to clerks of justice courts in cities or towns of the second and one-fourth, second and one-half, second and three-fourths and third classes.

[Approved by the Governor April 16, 1925.]

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

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

103½. Every city justice's court in any city or town of the second and one-fourth, second and one-half, second and three-fourths and third classes 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's court. Every clerk of the justice's court in any city or town of the second and one-fourth class shall receive a salary of one thousand six hundred dollars per annum. Every clerk of the justice's court in any city or town of the second and one-half class, where there is a police court or other inferior court organized under the city charter, shall receive an annual salary of two thousand one hundred dollars. Every clerk of the justice's court in any city or town of the second and one-half class, where there is no police court or other inferior court organized under the city charter, shall receive an annual salary of two thousand seven hundred dollars. Every clerk of the justice's court in any city or town of the second and three-fourths class shall receive an annual salary of one thousand five hundred dollars. 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

Clerks of
justices'
courts in
various
cities.

the treasury of said cities and said salaries shall be the full compensation for all services rendered by the clerks of said courts.

CHAPTER 80.

An act to amend section four thousand two hundred sixty-four of the Political Code, relating to the salaries of county officers of counties of the thirty-fifth class.

[Approved by the Governor April 20, 1925.]

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

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

Counties of
35th class:
salaries and
fees of
officers.

4264. Counties of the thirty-fifth class, salaries of officers. In counties of the thirty-fifth class the county and township officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries and fees to wit:

Clerk.

1. The county clerk, two thousand seven hundred dollars per annum, which shall be in full for all services, including registering voters and making the great register, excepting such services as are performed by said clerk as agent for the state; *provided*, that in counties of this class there shall be and is hereby allowed to the county clerk two deputies, who shall be appointed by said county clerk, one of which deputies shall be paid a salary of one thousand eight hundred dollars per annum, and the other said deputy shall be paid a salary of one thousand two hundred dollars per annum, said salaries to be paid in monthly installments, at the same time, in the same manner, and out of the same fund as the county clerk is paid.

Sheriff.

2. The sheriff, five thousand one hundred dollars per annum, and he is hereby allowed, in addition thereto, one undersheriff to be appointed by him, who shall receive one thousand eight hundred dollars per annum, whose salary shall be paid by the county, in monthly installments, at the same time, in the same manner, and out of the same fund as the sheriff is paid.

Said sheriff shall also have for his own use all fees, commissions and mileage for the service of all papers served by him and issued without his county.

Recorder.

3. The recorder, two thousand four hundred dollars per annum, in full for all services, and he is hereby allowed, in addition thereto, one deputy appointed by him, who shall be a copyist, and who shall receive one thousand two hundred dollars per annum, whose salary shall be paid by the county in monthly installments, at the same time, in the same manner, and out of the same fund as the recorder is paid; *provided*, that when the board of supervisors shall deem it necessary, it may allow the recorder an additional copyist, to be paid not more than five cents per folio for any work done by said copy-

ist, said compensation to be paid monthly by the county; *provided, further*, that the fees heretofore allowed the recorder for his own use by section three thousand seventy-nine of the Political Code shall be hereafter paid into the county treasury. It is hereby found as a fact that the changes provided for in this section do not work an increase in compensation, and it is intended that the same shall apply immediately to the present incumbents.

4. The auditor, two thousand four hundred dollars per annum, and he is hereby allowed one deputy, to be appointed by him, who shall receive one thousand five hundred dollars per annum, whose salary shall be paid in monthly installments, at the same time, in the same manner, and out of the same fund as the auditor is paid; *provided*, that if the board of supervisors in any year shall order or direct the auditor to prepare and compile its annual statistical report, and on so performing such services, he may be allowed a further sum not to exceed three hundred dollars, which said board of supervisors shall allow upon the completion and acceptance of the report; *provided, further*, that if the board of supervisors in any year shall order or direct the auditor to prepare and compile a report showing the classified annual pay roll of the county, and on so performing such services, he shall be allowed an additional sum of not to exceed one hundred dollars, to be allowed by said board of supervisors and paid by the county; *provided*, that the compensation herein provided for the auditor shall include the services heretofore compensated under the provisions of section four thousand ninety-nine *a*, Political Code, and it is hereby found as a fact that the changes provided for in this section do not work an increase in compensation and it is intended that the same shall apply immediately to the present incumbents.

5. The treasurer, two thousand four hundred dollars per annum; *provided*, that all commissions received by the treasurer on the collection of inheritance taxes shall be paid into the county treasury.

6. The tax and license collector, two thousand one hundred dollars per annum, in full compensation for all services, and he is hereby allowed a deputy, to be appointed by him, for eight months of the year, at a compensation of one hundred twenty-five dollars per month, the salary of said deputy to be paid by the county, in monthly installments, at the same time, in the same manner, and out of the same fund as the tax collector is paid.

7. The assessor, three thousand dollars per annum, in full compensation for all services, and he is hereby allowed, in addition thereto, such deputies and typists, to be appointed by him, as he may deem necessary to carry on the work of his office; *provided, however*, that not more than a total of four thousand dollars shall be paid in any year for such deputies and typists, no typist to be paid more than seventy-five dollars per month and no deputy to be paid more than eight dollars

per day while engaged in the performance of their respective duties; *provided, further*, that the assessor shall be allowed his own necessary traveling expenses in the performance of his official duties as assessor.

Attorney.

8. The district attorney, two thousand one hundred dollars per annum, and he is hereby allowed, in addition thereto, one deputy appointed by him, who shall receive one thousand five hundred dollars per annum.

Coroner.

9. The coroner, such fees as are now, or may be hereafter allowed by law; *provided*, that for such miles necessarily traveled by him in going to and returning from the place of an inquest, he shall receive twenty-five cents per mile each way.

Public
adminis-
trator.

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

Supt. of
schools.

11. The superintendent of schools, two thousand one hundred dollars per annum, and necessary expenses in visiting schools in the county, not to exceed ten dollars for each school visited, to be allowed by the board of supervisors of the county; and there is hereby allowed one deputy, appointed by the superintendent of schools, who shall receive nine hundred dollars per annum, said salary to be paid by the county in monthly installments, at the same time, in the same manner, and out of the same fund as the superintendent of schools is paid.

Surveyor.

12. The surveyor, two thousand four hundred dollars per annum, which salary shall be in lieu of all fees and per diem heretofore allowed by law; *provided, however*, that the surveyor shall be permitted by the board of supervisors to do outside work when his services are not required by the county. It is hereby found as a fact that the changes provided for in this subdivision do not work an increase in the compensation for the services required of the county surveyor by law, or by virtue of his office, and it is intended hereby that the same shall apply immediately to the present incumbent.

Classifica-
tion of
townships.

13. For the purpose of regulating the compensation of justices of the peace and constables, townships in this class of counties are hereby classified according to their population, as shown by the federal census of one thousand nine hundred twenty as follows: Townships having a population of four thousand or more shall belong to and be known as townships of the first class; townships having a population of more than two thousand five hundred and less than four thousand shall belong to and be known as townships of the second class; townships having a population of two thousand and less than two thousand five hundred, shall belong to and be known as townships of the third class; townships having a population of one thousand five hundred and less than two thousand shall belong to and be known as townships of the fourth class; townships having a population of one thousand and less than one thousand five hundred shall belong to and be known as townships of the fifth class; and townships having

a population of less than one thousand shall belong to and be known as townships of the sixth class.

14. Justices of the peace shall receive the following salaries ^{Justices of the peace.} which shall be paid monthly out of the general fund of the county in the same manner as the salaries of county officers are paid, and shall be in full for all services, to wit: In townships of the first class, one hundred twenty-five dollars per month; in townships of the second class, seventy-five dollars per month; in townships of the third class, seventy-five dollars per month; in townships of the fourth class, twenty-five dollars per month; in townships of the fifth class, twenty-five dollars per month and in townships of the sixth class, twenty-five dollars per month.

15. Constables shall receive the following salaries, which ^{Constables.} shall be paid monthly, in the same manner as the salaries of county officers are paid out of the general fund of the county, and which shall be in full for all services rendered by them in criminal cases, to wit: In townships of the first class, one hundred twenty-five dollars per month; in townships of the second class, seventy-five dollars per month; in townships of the third class, seventy-five dollars per month; in townships of the fourth class, thirty dollars per month; in townships of the fifth class, thirty dollars per month; and in townships of the sixth class, thirty dollars per month. In addition to the monthly salaries herein allowed for services in criminal actions, cases and proceedings, each constable shall also be allowed all necessary expenses actually and properly incurred, in arresting and conveying prisoners to court or to prison, and also all necessary expenses actually incurred in the transportation of prisoners from prison to court, and the return of said prisoner to prison; and shall be allowed, also, for each mile actually traveled, both in going and coming in the service of subpoenas, in criminal actions, per mile, ten cents; which said expense and mileage shall be audited and allowed by the board of supervisors as other claims against the county are audited and allowed, and shall be paid out of the county treasury.

In addition to the monthly salaries herein allowed for services ^{Constables fees.} in criminal actions and cases, each constable may, for his own use, collect the following fees, and no other, in civil actions:

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

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

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

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

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

For taking bond or undertaking, fifty cents.

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

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

For writing and posting each notice of sale of property, fifty cents.

For furnishing notice for publication, twenty-five cents.

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

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

For executing and delivering certificate of sale, fifty cents.

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

For each mile actually traveled within his township in the service of any writ, order, or paper, in civil actions, in going only, per mile, twenty-five cents.

For traveling outside of his township to serve such writ, order, or paper, in civil actions, in going only, twenty-five cents per mile; *provided*, that a constable shall not be required to travel outside of his township to serve any civil process, order, or paper. No constructive mileage shall be charged, allowed, or paid in criminal or civil cases.

For each day's attendance in court, in civil cases, three dollars per day.

For executing a search warrant, two dollars; and for each mile necessarily traveled within his county in executing a search warrant, both in going and returning from the place of search, fifteen cents; said fee and mileage to be paid by the party demanding the search.

For summoning a jury, in civil cases, two dollars, including mileage.

For commissions for receiving and paying over money on execution without levy, or when the goods or land levied on shall not be sold, one per cent. The fees herein allowed for the levy of an execution, and for making or collecting the money on execution, shall be collected from the judgment debtor, by virtue of such execution, in the same manner as the sum herein directed to be paid.

16. County officers must, and township officers may, demand the payment of all fees in advance. Justices of the peace shall, on or before the first Monday of each month, pay into the county treasury all moneys collected by them on fines imposed and collected and all moneys belonging to the county coming from any source.

17. Each member of the board of supervisors, one thousand ^{Supervisors.} five hundred dollars per annum and ten cents per mile, one way between residence and county seat, in attending upon all regular, special or adjourned meetings of the board of supervisors; *provided*, that the chairman of the board of supervisors may receive twenty-five cents per mile, one way, between residence and the county seat, when attending at the county seat for the single purpose of counting the money in the county treasury as required by law.

18. Grand jurors and trial jurors and witnesses in the ^{Jurors and witnesses.} superior court in civil or criminal cases, shall receive, as compensation for each day's attendance, per day three dollars, and for each mile actually and necessarily traveled in attending court as such, in going only, per mile twenty-five cents. Witnesses in the justice courts and trial jurors in the same, in civil or criminal cases, when sworn to try the case, shall receive as compensation for each day's attendance, two dollars, and for each mile actually and necessarily traveled in attending court as such, in going only, fifteen cents per mile.

Subsections thirteen, fourteen, and fifteen of this section ^{Effective.} shall take effect on the first Monday after the first day of January, 1927.

CHAPTER 81.

An act to amend section nineteen x thirty-one of an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers.

[Approved by the Governor April 20, 1925.]

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

SECTION 1. Section nineteen x thirty-one of an act entitled ^{Stats. 1921.} "An act to be known as the juvenile court law, and con- ^{D. 1916,} ^{amended.}

cerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, is hereby amended to read as follows:

Counties of 31st class: salaries of probation officers.

Sec. 19x31. In counties of the thirty-first class there shall be one probation officer whose salary shall be one hundred fifty dollars per month, and also one assistant probation officer whose salary shall be one hundred twenty-five dollars per month.

CHAPTER 82.

An act declaring the public highway extending from Irwin street within the corporate limits of the city of San Rafael, in Marin county, California, to Point San Quentin, in Marin county, California, to be a state highway.

[Approved by the Governor April 20, 1925.]

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

San Rafael-San Quentin state highway.

SECTION 1. All that portion of the public highway commencing at Irwin street, within the corporate limits of the city of San Rafael, in Marin county, California, and leading therefrom to Point San Quentin, in Marin county, California, and known as the San Rafael-San Quentin road, is hereby declared to be a state highway and placed under the supervision and direction of the California highway commission and it shall be the duty of said department to locate, survey, construct and reconstruct the same, with such variations as may, in the opinion of said department, be advisable.

Authority of highway commission.

SEC. 2. The said department is hereby authorized and directed to take such steps as may be necessary to acquire for the state all rights of way, roads, culverts, bridges, quarries, timber, tools, machinery and appliances necessary for the construction and improvement of said highway; *provided, however,* that no public corporation or political subdivision of the state shall receive any compensation on account of said road.

CHAPTER 83.

An act to amend section two thousand six hundred forty of the Political Code, relating to powers and duties of officers over highways.

[Approved by the Governor April 20, 1925.]

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

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

2640. Whenever it is determined by a four-fifths vote of the board of supervisors of any county that the public convenience and necessity demand the acquisition or construction of a new road or the grading, regrading, paving, macadamizing, surfacing, repairing or maintaining of any existing road, and that the cost of such new road when acquired and constructed, or the cost of grading, regrading, paving, macadamizing, surfacing, repairing or maintaining such existing road, is too great to pay out of the road fund of the district, the board of supervisors may, by resolution passed by a four-fifths vote of said board determine to acquire or construct such new road, or grade, or regrade, pave, macadamize, surface, repair or maintain such existing road, and charge the cost thereof to the general county fund, the general road fund or the district fund of the district or districts benefited.

Opening or
Improving
road.

Whenever it shall be determined that any grading, graveling, macadamizing, ditching, sprinkling or other work upon any highway is necessary, the estimated cost of which exceeds the sum of two thousand dollars (\$2,000), the board of supervisors must order definite surveys of the proposed work and direct the preparation of profiles, cross-sections, plans and specifications.

Surveys.

Plans.

Specifications.

Upon receipt of the profiles, cross-sections, plans and specifications, the board of supervisors must advertise for sealed bids for the performance of the work specified by publication for at least once a week for a period of two weeks in a newspaper of general circulation, printed and published in the county, of a notice calling for the bids for the doing of said work referring to said profiles, cross-sections, plans and specifications, and setting a time at which bids will be opened. At the time specified in said notice, the board of supervisors shall publicly open the bids received and shall award the contract for the work to the lowest responsible bidder; unless it shall appear to the board that the bids are too high, and the work can be done more cheaply by day labor, in which case the bids must be rejected and the work ordered done by the road commissioner or commissioners in whose district or districts the work may be situated; *provided, however*, that said board may reject all bids and readvertise; *provided, further*, that if the estimated cost of the work to be done is less than two thousand dollars, the board of supervisors may let a contract for the said work without calling for bids as hereinbe-

Bids.

fore provided, or may purchase the materials and do the work by day labor.

County
supervision.

Provided, however, that in those counties employing a competent engineer as road commissioner, the board of supervisors may have any work to be done upon highways of the county done under the supervision and direction of said engineer, either

1. By letting a contract, in which event it must be let to the lowest responsible bidder as hereinbefore provided;
2. By purchasing the material and letting a contract for the doing of the work; or
3. By purchasing the material and having the work done by day labor.

CHAPTER 84.

An act to amend section two thousand three hundred twenty-two of the Political Code and to add to the Political Code fifty-eight new sections, to be numbered two thousand three hundred twenty-two x one, two thousand three hundred twenty-two x two, two thousand three hundred twenty-two x three, two thousand three hundred twenty-two x four, two thousand three hundred twenty-two x five, two thousand three hundred twenty-two x six, two thousand three hundred twenty-two x seven, two thousand three hundred twenty-two x eight, two thousand three hundred twenty-two x nine, two thousand three hundred twenty-two x ten, two thousand three hundred twenty-two x eleven, two thousand three hundred twenty-two x twelve, two thousand three hundred twenty-two x thirteen, two thousand three hundred twenty-two x fourteen, two thousand three hundred twenty-two x fifteen, two thousand three hundred twenty-two x sixteen, two thousand three hundred twenty-two x seventeen, two thousand three hundred twenty-two x eighteen, two thousand three hundred twenty-two x nineteen, two thousand three hundred twenty-two x twenty, two thousand three hundred twenty-two x twenty-one, two thousand three hundred twenty-two x twenty-two, two thousand three hundred twenty-two x twenty-three, two thousand three hundred twenty-two x twenty-four, two thousand three hundred twenty-two x twenty-five, two thousand three hundred twenty-two x twenty-six, two thousand three hundred twenty-two x twenty-seven, two thousand three hundred twenty-two x twenty-eight, two thousand three hundred twenty-two x twenty-nine, two thousand three hundred twenty-two x thirty, two thousand three hundred twenty-two x thirty-one, two thousand three hundred twenty-two x thirty-two, two thousand three hundred twenty-two x thirty-three, two thousand three hundred twenty-two x thirty-four, two thousand three hundred twenty-two x thirty-five, two thousand three hundred twenty-two x thirty-six, two thousand three hundred twenty-two x thirty-seven,

two thousand three hundred twenty-two x thirty-eight, two thousand three hundred twenty-two x thirty-nine, two thousand three hundred twenty-two x forty, two thousand three hundred twenty-two x forty-one, two thousand three hundred twenty-two x forty-two, two thousand three hundred twenty-two x forty-three, two thousand three hundred twenty-two x forty-four, two thousand three hundred twenty-two x forty-five, two thousand three hundred twenty-two x forty-six, two thousand three hundred twenty-two x forty-seven, two thousand three hundred twenty-two x forty-eight, two thousand three hundred twenty-two x forty-nine, two thousand three hundred twenty-two x fifty, two thousand three hundred twenty-two x fifty-one, two thousand three hundred twenty-two x fifty-two, two thousand three hundred twenty-two x fifty-three, two thousand three hundred twenty-two x fifty-four, two thousand three hundred twenty-two x fifty-five, two thousand three hundred twenty-two x fifty-six, two thousand three hundred twenty-two x fifty-seven and two thousand three hundred twenty-two x fifty-eight, relating to county horticultural commissioners.

[Approved by the Governor April 20, 1925.]

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

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

2322. (1) The office of county horticultural commissioner is hereby created. Whenever in this chapter of the Political Code the term "commissioner" is used, the same shall be taken to mean and refer to county horticultural commissioner. County horticultural commissioner.

Within thirty days after this act shall become effective, it shall be the duty of the board of supervisors of each of the counties of the state to appoint a county horticultural commissioner for their respective county from a list of names of persons eligible to hold such position, which list must be furnished from time to time by the state director of agriculture, as required. If, at any time, a vacancy shall occur in the office of said commissioner, such vacancy must be filled by appointment by the board of supervisors within thirty days after such vacancy occurs, and from a list of all persons eligible, which list must be furnished to the board of supervisors by the state director of agriculture. Appointment.

The term of office of said commissioner shall be for four years from and after his appointment and until his successor shall be appointed and qualified, but he shall be subject to removal after complaint made by petition and trial, had in the manner hereinafter provided. Prior to entering upon the discharge of the duties of his office, the commissioner shall file with the county clerk the oath of office prescribed for county officers and shall give a bond conditioned for the faithful performance of his duties, with sufficient sureties approved by a judge of the superior court in the sum Vacancies.

Term of office.

Oath and bond.

Employees. of one thousand dollars. Such commissioner shall have power to appoint, subject to removal at his pleasure, persons duly qualified as hereinafter provided, to fill the several offices of deputy horticultural commissioner, inspector and clerk.

Payment of salaries and expenses. The salary and compensation provided for the commissioner, deputy commissioner and inspectors shall be paid out of the county treasury in equal monthly installments, where the employment is by the year, and monthly as earned in other cases, in the same manner and at the same time as other county officers are paid. In addition to the salaries and compensations provided, said commissioner, deputy commissioners and inspectors shall each be entitled to receive their personal and traveling expenses necessarily incurred in the performance of their said duties and said expenses so incurred and all compensation earned by such officers or employees as shall not be employed by the year, shall be a county charge and the board of supervisors shall allow and pay the same out of the general fund of the county in the same manner as other claims against said fund are allowed and paid.

When supervisors fail to appoint. If for any reason the board of supervisors refuse or neglect to appoint a commissioner within the proper time as hereinbefore provided or at the expiration of the term of office, or if it refuse or neglect to appoint a commissioner to fill a vacancy in the office of county horticultural commissioner, as hereinbefore provided, then the director of agriculture shall select and appoint a commissioner from the said list of eligible persons. Whenever the director of agriculture shall appoint a commissioner as herein provided, then the board of supervisors must provide for the payment of such appointee's compensation and expenses in the same manner as if such appointment had been made by the board of supervisors.

Persons eligible. In case of vacancy in the office of said commissioner it shall be the duty of the director of agriculture to furnish the board of supervisors of the county in which such vacancy shall have occurred with a list of names of all persons eligible to the office of county horticultural commissioner, and from such list and within thirty days after receipt thereof, the said board of supervisors shall appoint a person to fill such vacancy. No person shall be eligible to the office of county horticultural commissioner or deputy county horticultural commissioner, unless, prior to his appointment, he has received and holds from the director of agriculture a valid certificate of eligibility to the office. If the position can not be filled from said list of eligibles, then such vacancy may be temporarily filled for a period not exceeding three months by a person who has not received a certificate of eligibility but who is recommended to the board of supervisors in writing by the director of agriculture.

Examinations. The director of agriculture shall, by examination, pass upon the qualifications of all persons desiring to become county horticultural commissioners or deputy county horticultural commissioners, and may, in writing, adopt rules and regu-

lations governing such examinations not inconsistent with law for carrying out the purposes of this act. Certificates of eligibility issued by the director of agriculture shall be good for five years from the date of certification or until revoked as hereinafter provided, and in the case of incumbents, shall be renewed by the director of agriculture without further examination. At the time of his appointment a commissioner need not be a resident of the county. Certificates.

The director of agriculture shall also, by himself or his authorized agent or agents, pass upon the qualifications of all persons desiring to become a county horticultural inspector, as herein provided for, and shall issue valid certificates of eligibility to such persons as shall have been found qualified to serve as such, and no person shall be entitled to serve as such county horticultural inspector for a longer term than three months unless there shall have been issued to him a valid certificate of eligibility to such office by the state director of agriculture. Neither deputy county horticultural commissioners nor inspectors need be residents of the county or counties for which they may be chosen. In all counties having charters providing for civil service examination of county horticultural inspectors, the director of agriculture shall issue a certificate of eligibility without other examination than that required by the civil service provisions of the county charters, and upon the presentation to him of a certificate of the civil service board of said county showing the candidate for county horticultural inspector had passed such civil service examination. Certification
of
Inspectors.

Upon the petition of twenty-five resident freeholders of any county, each of whom is possessed of an orchard, greenhouse or nursery, or upon evidence being presented to the director of agriculture that the county horticultural commissioner of such county is guilty of neglect of duty, incompetence or misconduct in office, which evidence in the opinion of the director of agriculture shall warrant a hearing or hearings upon the matter, the county horticultural commissioners' trial board hereinafter provided shall thereupon hold such a hearing or hearings at such times and places as it shall provide. Where
commissioner
neglects
duties, etc.

The director of agriculture and the president of the state association of county horticultural commissioners shall thereupon select an impartial third person who with the said director of agriculture and said president of the state association of county horticultural commissioners shall compose a trial board to determine whether said commissioner is guilty of the charges as presented. Said board as thus created, shall be known as the county horticultural commissioners' trial board, and at such hearing or hearings the trial board shall hear such evidence as is offered and thereafter, within thirty days, make an order either dismissing the charges as untrue or an order disqualifying the accused. The said director of agriculture shall give notice in writing to the said commissioner of the time and place of such hearing and such infor- Hearing by
trial board.

mation as to the nature of the charges as will enable him to make a defense thereto, at least ten days prior to the date of the hearing or hearings. In case the order made by said trial board disqualifies said commissioner the director of agriculture shall forthwith revoke said commissioner's certificate of eligibility and a copy of such order shall be immediately transmitted in writing by the director of agriculture to the board of supervisors and auditor of said county.

Office.
Equipment.

Supplies.

The said board of supervisors shall provide a suitable office for the said commissioner, and shall furnish and equip the said office with all necessary furniture, supplies and effects for the proper discharge of the commissioner's duties. The said board of supervisors may also provide the commissioner with all necessary field equipment for the proper discharge of the duties of his office. All expense ordered by the board of supervisors for such office, furniture, supplies, effects and equipment shall be a county charge and the board of supervisors shall allow and pay the same out of the general fund of the county.

SEC. 2. A new section to be numbered two thousand three hundred twenty-two α one is hereby added to the Political Code, to read as follows:

Counties of
1st class:
employees
and salaries.

2322 α 1. In counties of the first class, the commissioner shall receive a salary of three thousand nine hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the commissioner the following deputies, inspectors and clerks to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) Three deputy horticultural commissioners at a salary of two thousand four hundred dollars each per annum.

(b) The commissioner is also authorized and empowered to appoint not to exceed thirty inspectors at a monthly salary of one hundred fifty dollars each during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed fifty-four thousand dollars.

(c) The commissioner is also authorized and empowered to appoint not to exceed two clerks at a monthly salary of one hundred forty dollars each during the time actually employed and not to exceed one clerk at a monthly salary of one hundred fifty dollars during the time actually employed, and not to exceed one clerk at a monthly salary of two hundred dollars during the time actually employed, but the aggregate amount which may be expended in any year for all such clerks shall not exceed seven thousand five hundred sixty dollars.

SEC. 3. A new section to be numbered two thousand three hundred twenty-two α two is hereby added to the Political Code, to read as follows:

Counties of
2d class:
employees
and salaries.

2322 α 2. In counties of the second class, the commissioner shall receive a salary of three thousand dollars per annum; *provided*, that in counties of this class there shall be and there

is hereby allowed to the commissioner the following deputy and inspector to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) One deputy horticultural commissioner at a salary of two thousand four hundred dollars per annum.

(b) One inspector at a monthly salary of one hundred seventy-five dollars per month during the time actually employed, but the aggregate amount which may be expended in any year for such inspector shall not exceed two thousand one hundred dollars.

SEC. 4. A new section to be numbered two thousand three hundred twenty-two x three is hereby added to the Political Code, to read as follows:

2322x3. In counties of the third class, the commissioner shall receive a compensation of six dollars per diem during the time actually employed, but the aggregate amount which may be expended in any year for the commissioner shall not exceed one thousand eight hundred dollars; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following deputies and inspectors to be appointed by said commissioner, which positions are hereby created and the salaries are hereby fixed as follows, to wit:

Counties of
3d class:
employees
and salaries.

(a) Two deputy county horticultural commissioners at a compensation of five dollars per diem each during the time actually employed, but the aggregate amount which may be expended in any year for all such deputies shall not exceed three thousand dollars.

(b) The commissioner is also authorized and empowered to appoint not to exceed two inspectors at a compensation of three dollars and a half per diem each during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed two thousand sixty dollars.

SEC. 5. A new section to be numbered two thousand three hundred twenty-two x four is hereby added to the Political Code, to read as follows:

2322x4. In counties of the fourth class, the commissioner shall receive a salary of three thousand six hundred dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following deputies and inspectors to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows to wit:

Counties of
4th class:
employees
and salaries.

(a) One deputy county horticultural commissioner at a salary of two thousand one hundred dollars per annum.

(b) Two inspectors at a compensation of five dollars and a half per diem each during the time actually employed, but the aggregate amount which may be expended in any year for such inspectors shall not exceed four thousand dollars.

(c) The commissioner is also authorized and empowered to appoint not to exceed eighteen inspectors at a compensation of

four dollars and a half per diem each during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed twenty-one thousand dollars.

(d) The commissioner is also authorized and empowered to appoint not to exceed one clerk at a monthly salary of one hundred twenty-five dollars during the time actually employed, but the aggregate amount which may be expended in any year for such clerk shall not exceed one thousand five hundred dollars.

SEC. 6. A new section to be numbered two thousand three hundred twenty-two \times five is hereby added to the Political Code, to read as follows:

Counties of
5th class:
employees
and salaries.

2322 \times 5. In counties of the fifth class, the commissioner shall receive a salary of three thousand six hundred dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following inspectors and clerks to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) One inspector at a monthly salary of one hundred forty dollars during the time actually employed, six inspectors at a monthly salary of one hundred thirty dollars each during the time actually employed, one inspector at a compensation of five dollars per diem each during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed twelve thousand five hundred sixty dollars.

(b) One clerk at a monthly salary of one hundred twenty-five dollars during the time actually employed, but the aggregate amount which may be expended in any year for such clerk shall not exceed one thousand five hundred dollars.

SEC. 7. A new section to be numbered two thousand three hundred twenty-two \times six is hereby added to the Political Code, to read as follows:

Counties of
6th class:
employees
and salaries.

2322 \times 6. In counties of the sixth class, the commissioner shall receive a compensation of ten dollars per diem during the time actually employed, but the aggregate amount which may be expended in any year for such commissioner shall not exceed three thousand dollars; *provided*, that in counties of this class there shall be and there is hereby allowed to the commissioner the following deputies and inspectors to be appointed by said commissioner, which positions are hereby created and the salaries are hereby fixed as follows, to wit:

(a) Two deputy county horticultural commissioners at a compensation of eight dollars per diem each during the time actually employed, but the aggregate amount which may be expended in any year for all such deputies shall not exceed four thousand eight hundred dollars.

(b) The commissioner is also authorized and empowered to appoint not to exceed two inspectors at a compensation of five dollars per diem each during the time actually employed,

but the aggregate amount which may be expended in any year for all such inspectors shall not exceed one thousand five hundred dollars.

SEC. 8. A new section to be numbered two thousand three hundred twenty-two *x* seven is hereby added to the Political Code, to read as follows:

2322 α 7. In counties of the seventh class, the commissioner shall receive a salary of two thousand four hundred dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following inspectors to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

Counties of
7th class:
employees
and salaries.

(a) Two inspectors, class A, at a compensation of five dollars per diem each during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed three thousand four hundred dollars.

(b) Two inspectors, class B, at a compensation of four dollars and a half per diem each during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed three thousand fifty dollars.

(c) Four inspectors, class C, at a compensation of four dollars per diem each during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed two thousand eight hundred eighty dollars.

SEC. 9. A new section to be numbered two thousand three hundred twenty-two *x* eight is hereby added to the Political Code, to read as follows:

2322 α 8. In counties of the eighth class, the commissioner shall receive a salary of two thousand four hundred dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following deputies and inspectors to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

Counties of
8th class:
employees
and salaries.

(a) Two deputy county horticultural commissioners at a compensation of one hundred seventy-five dollars per month each during the time actually employed, but the aggregate amount which may be expended in any year for all such deputies shall not exceed four thousand two hundred dollars.

(b) The commissioner is also authorized and empowered to appoint not to exceed fifteen inspectors at a compensation of five dollars per diem each during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed fifteen thousand seven hundred fifty dollars.

(c) One clerk at a monthly salary of one hundred dollars during the time actually employed, but the aggregate amount

which may be expended in any year for such clerk shall not exceed twelve hundred dollars.

SEC. 10. A new section to be numbered two thousand three hundred twenty-two *x* nine is hereby added to the Political Code, to read as follows:

Counties of
9th class:
employees
and salaries.

2322*x*9. In counties of the ninth class, the commissioner shall receive a salary of two thousand four hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the commissioner the following inspectors and clerks to be appointed by said commissioner, which positions are hereby created and the salaries are hereby fixed as follows, to wit:

(a) Fifteen inspectors at a compensation of five dollars per diem each during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed twenty-two thousand five hundred dollars.

(b) One clerk at a monthly salary of one hundred dollars during the time actually employed, but the aggregate amount which may be expended in any year for such clerk shall not exceed one thousand two hundred dollars.

SEC. 11. A new section to be numbered two thousand three hundred twenty-two *x* ten is hereby added to the Political Code, to read as follows:

Counties of
10th class:
employees
and salaries.

2322*x*10. In counties of the tenth class, the commissioner shall receive a salary of four thousand two hundred dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following deputies, inspectors and clerks to be appointed by said commissioner which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) Two deputy county horticultural commissioners at a salary of three thousand dollars each per annum.

(b) The commissioner is also authorized and empowered to appoint not to exceed ten inspectors at a monthly salary of one hundred fifty dollars each during the time actually employed, three inspectors at a monthly salary of one hundred thirty dollars each during the time actually employed, two inspectors at a compensation of five dollars per diem each during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed twenty-five thousand six hundred eighty dollars.

(c) The commissioner is also authorized and empowered to appoint not to exceed one clerk at a monthly salary of one hundred and twenty-five dollars during the time actually employed, one clerk at a monthly salary of one hundred dollars during the time actually employed, but the aggregate amount which may be expended in any year for all such clerks shall not exceed two thousand seven hundred dollars.

SEC. 12. A new section to be numbered two thousand three hundred twenty-two *x* eleven is hereby added to the Political Code, to read as follows:

2322:11. In counties of the eleventh class, the commissioner shall receive a salary of three thousand dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following deputies, inspectors and clerks to be appointed by said commissioner, which positions are hereby created and the salaries are hereby fixed as follows, to wit:

Counties of
11th class:
employees
and salaries.

(a) One deputy county horticultural commissioner at a salary of two thousand one hundred dollars per annum.

(b) The commissioner is also authorized and empowered to appoint not to exceed ten inspectors at a monthly salary of one hundred fifty dollars each during the time actually employed, thirteen inspectors at a monthly salary of one hundred thirty dollars each during the time actually employed, thirty-five inspectors at a compensation of four dollars per diem each during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed sixty-three thousand dollars.

(c) The commissioner is also authorized and empowered to appoint not to exceed two clerks at a monthly salary of one hundred twenty-five dollars each during the time actually employed, one clerk at a monthly salary of one hundred dollars during the time actually employed, but the aggregate amount which may be expended in any year for all such clerks shall not exceed four thousand two hundred dollars.

SEC. 13. A new section to be numbered two thousand three hundred twenty-two *x* twelve is hereby added to the Political Code to read as follows:

2322:12. In counties of the twelfth class, the commissioner shall receive a salary of three thousand dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following deputies, inspectors and clerks to be appointed by said commissioner, which positions are hereby created and the salaries are hereby fixed as follows, to wit:

Counties of
12th class:
employees
and salaries.

(a) One deputy county horticultural commissioner at a salary of two thousand one hundred dollars per annum.

(b) The commissioner is also authorized and empowered to appoint not to exceed nine inspectors at a monthly salary of one hundred fifty dollars each, during the time actually employed; five inspectors at a monthly salary of one hundred thirty dollars each during the time actually employed; eight inspectors at a compensation of four dollars per diem each during the time actually employed, and eight inspectors at a compensation of five dollars per diem each during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed twenty-six thousand seven hundred dollars.

(c) The commissioner is also authorized and empowered to appoint not to exceed one clerk at a salary of one hundred twenty-five dollars per month during the time actually employed, and two clerks at a monthly salary of one hundred

dollars each during the time actually employed, but the aggregate amount which may be expended in any year for all such clerks shall not exceed two thousand dollars.

SEC. 14. A new section to be numbered two thousand three hundred twenty-two *x* thirteen is hereby added to the Political Code, to read as follows:

Counties of
13th class:
employees
and salaries.

2322*x*13. In counties of the thirteenth class, the commissioner shall receive a compensation of two thousand four hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the commissioner the following inspectors and clerks to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) Eight inspectors at a salary of five dollars and a half per diem each during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed four thousand eight hundred dollars.

(b) The commissioner is also authorized and empowered to appoint not to exceed one clerk, at a salary of fifty dollars per month during the time actually employed, but the aggregate amount which may be expended in any year for such clerk shall not exceed six hundred dollars.

SEC. 15. A new section to be numbered two thousand three hundred twenty-two *x* fourteen is hereby added to the Political Code, to read as follows:

Counties of
14th class:
employees
and salaries.

2322*x*14. In counties of the fourteenth class, the commissioner shall receive a salary of three thousand dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following inspectors and clerks to be appointed by said commissioner, which positions are hereby created and the salaries are hereby fixed as follows, to wit:

(a) Two inspectors at a monthly salary of one hundred fifty dollars during the time actually employed one of whom may act as clerk, four inspectors at a compensation of five dollars per diem each during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed eight thousand seven hundred dollars.

SEC. 16. A new section to be numbered two thousand three hundred twenty-two *x* fifteen is hereby added to the Political Code, to read as follows:

Counties of
15th class:
employees
and salaries.

2322*x*15. In counties of the fifteenth class the commissioner shall receive a salary of three thousand six hundred dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following deputies, inspectors, bookkeepers and stenographers to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) One deputy county horticultural commissioner at a salary of one thousand eight hundred dollars per annum.

(b) The commissioner is also authorized and empowered to appoint not to exceed two inspectors at a monthly salary of one hundred fifty dollars each during the time actually employed; twelve inspectors at a monthly salary of one hundred forty dollars each during the time actually employed, and three inspectors at a compensation of five dollars per diem each during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed twenty-six thousand dollars.

(c) The commissioner is also authorized and empowered to appoint not to exceed one bookkeeper at a monthly salary of one hundred fifty dollars per month during the time actually employed, but the aggregate amount which may be expended in any year for such bookkeeper shall not exceed one thousand eight hundred dollars.

(d) The commissioner is also authorized and empowered to appoint not to exceed one stenographer at a monthly salary of one hundred ten dollars per month during the time actually employed but the aggregate amount which may be expended in any year for such stenographer shall not exceed one thousand three hundred twenty dollars.

SEC. 17. A new section to be numbered two thousand three hundred twenty-two *x* sixteen is hereby added to the Political Code, to read as follows:

2322*x*16. In counties of the sixteenth class, the commissioner shall receive a salary of three thousand dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following inspectors and clerks to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

Counties of
16th class:
employees
and salaries.

(a) Eleven inspectors at a compensation of five dollars per diem each during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed fifteen thousand one hundred fifty dollars.

(b) One clerk at a monthly salary of one hundred twenty-five dollars during the time actually employed, but the aggregate amount which may be expended in any year for such clerk shall not exceed one thousand five hundred dollars.

SEC. 18. A new section to be numbered two thousand three hundred twenty-two *x* seventeen is hereby added to the Political Code, to read as follows:

2322*x*17. In counties of the seventeenth class, the commissioner shall receive a salary of three thousand dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following deputies, inspectors and clerks to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

Counties of
17th class:
employees
and salaries.

(a) Two deputy county horticultural commissioners at a salary of two thousand four hundred dollars each per annum.

(b) The commissioner is also authorized and empowered to appoint not to exceed thirty inspectors at a monthly salary of one hundred fifty dollars each during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed twelve thousand dollars.

(c) The commissioner is also authorized and empowered to appoint one clerk at a monthly salary of one hundred dollars, during the time actually employed, and one additional clerk at a monthly salary of one hundred twenty-five dollars, during the time actually employed, but the aggregate amount which may be expended in any year for all such clerks shall not exceed two thousand seven hundred dollars.

SEC. 19. A new section to be numbered two thousand three hundred twenty-two *x* eighteen is hereby added to the Political Code, to read as follows:

Counties of
18th class:
employees
and salaries.

2322*x*18. In counties of the eighteenth class, the commissioner shall receive a salary of three thousand dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the commissioner the following deputies, inspectors and clerks to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) One deputy county horticultural commissioner at a salary of two thousand one hundred dollars per annum.

(b) The commissioner is also authorized and empowered to appoint not to exceed four inspectors at a monthly salary of one hundred fifty dollars each during the time actually employed, and two inspectors at a monthly salary of one hundred twenty-five dollars each during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed ten thousand two hundred dollars.

(c) The commissioner is also authorized and empowered to appoint not to exceed one clerk at a monthly salary of one hundred twenty-five dollars during the time actually employed, but the aggregate amount which may be expended in any year for such clerk shall not exceed one thousand five hundred dollars.

SEC. 20. A new section to be numbered two thousand three hundred twenty-two *x* nineteen is hereby added to the Political Code, to read as follows:

Counties of
19th class:
employees
and salaries.

2322*x*19. In counties of the nineteenth class, the commissioner shall receive a salary of two thousand four hundred dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following inspectors and clerks to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) Four inspectors at a compensation of five dollars per diem each during the time actually employed, but the aggregate amount which may be expended in any year for such

inspectors shall not exceed three thousand seven hundred ninety dollars.

(b) One clerk at a monthly salary of seventy-five dollars during the time actually employed, but the aggregate amount which may be expended in any year for such clerk shall not exceed nine hundred dollars.

SEC. 21. A new section to be numbered two thousand three hundred twenty-two ~~x~~ twenty is hereby added to the Political Code, to read as follows:

2322~~x~~20. In counties of the twentieth class, the commissioner shall receive a compensation of two thousand four hundred dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following inspectors to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

Counties of
20th class:
employees
and salaries.

(a) One inspector at a compensation of five dollars per diem during the time actually employed, but the aggregate amount which may be expended in any year for such inspector shall not exceed one thousand dollars.

SEC. 22. A new section to be numbered two thousand three hundred twenty-two ~~x~~ twenty-one is hereby added to the Political Code, to read as follows:

2322~~x~~21. In counties of the twenty-first class, the commissioner shall receive a salary of two thousand one hundred dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following inspectors to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

Counties of
21st class:
employees
and salaries.

(a) Two inspectors at a monthly salary of one hundred dollars each during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed two thousand four hundred dollars.

SEC. 23. A new section to be numbered two thousand three hundred twenty-two ~~x~~ twenty-two is hereby added to the Political Code, to read as follows:

2322~~x~~22. In counties of the twenty-second class, the commissioner shall receive a salary of two thousand four hundred dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following deputies and inspectors to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

Counties of
22d class:
employees
and salaries.

(a) One deputy county horticultural commissioner at a salary of six dollars per diem during the time actually employed, but the aggregate amount which may be expended in any year for such deputy shall not exceed one thousand five hundred dollars.

(b) The commissioner is also authorized and empowered to appoint not to exceed eight inspectors at a compensation of three dollars and a half per diem, each, during the time

actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed four thousand dollars.

(c) The commissioner is also authorized and empowered to appoint not to exceed one clerk at a monthly salary of one hundred dollars during the time actually employed, but the aggregate amount which may be expended in any year for such clerk shall not exceed one thousand two hundred dollars.

SEC. 24. A new section to be numbered two thousand three hundred twenty-two ~~x~~ twenty-three is hereby added to the Political Code, to read as follows:

Counties of
23d class:
employees
and salaries.

2322~~x~~23. In counties of the twenty-third class, the commissioner shall receive a salary of three thousand dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following deputies, inspectors and clerks to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) The commissioner is also authorized and empowered to appoint not to exceed four inspectors at a monthly salary of one hundred fifty dollars each during the time actually employed; four inspectors at a monthly salary not to exceed one hundred thirty dollars each during the time actually employed, and two inspectors at a monthly salary not to exceed one hundred ten dollars each during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed sixteen thousand eighty dollars.

(b) The commissioner is also authorized and empowered to appoint one clerk at a monthly salary of one hundred twenty-five dollars during the time actually employed, but the aggregate amount which may be expended in any year for all such clerks shall not exceed fifteen hundred dollars.

SEC. 25. A new section to be numbered two thousand three hundred twenty-two ~~x~~ twenty-four is hereby added to the Political Code, to read as follows:

Counties of
24th class:
employees
and salaries.

2322~~x~~24. In the counties of the twenty-fourth class the commissioner shall receive a salary of two thousand dollars per annum; *provided*, that in counties of this class there shall be allowed to the commissioner the following deputies, inspectors and clerks to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows:

(a) One deputy county horticultural commissioner at a salary of one thousand eight hundred dollars per annum.

(b) The commissioner is also authorized and empowered to appoint not to exceed four inspectors, at a compensation of five dollars per day each, during such time as actually employed, but the aggregate amount which may be expended for all such inspectors in any one year shall not exceed the sum of two thousand eight hundred eighty dollars.

(c) One clerk, at a compensation of ten dollars per month, during such time as actually employed, but not to exceed the sum of one hundred twenty dollars per year.

SEC. 26. A new section to be numbered two thousand three hundred twenty-two ~~x~~ twenty-five is hereby added to the Political Code, to read as follows:

2322~~x~~25. In counties of the twenty-fifth class, the commissioner shall receive a compensation of six dollars per diem during the time actually employed, but the aggregate amount which may be expended in any year for the commissioner shall not exceed one thousand eight hundred dollars; *provided*, that in counties of this class there shall be and there is hereby allowed to the commissioner, a deputy to be appointed by said commissioner, which position is hereby created, at a salary of four dollars per day while actually engaged in such work, not to exceed, however, in the aggregate the sum of five hundred dollars in any one year.

Counties of
25th class:
deputy
and salaries.

SEC. 27. A new section to be numbered two thousand three hundred twenty-two ~~x~~ twenty-six is hereby added to the Political Code, to read as follows:

2322~~x~~26. In counties of the twenty-sixth class, the commissioner shall receive a compensation of two thousand one hundred dollars per annum and eight cents per mile one way for every mile actually traveled in the performance of his duty as commissioner; *provided*, that in counties of this class there shall be and there is hereby allowed to the commissioner the following deputy and inspectors to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

Counties of
26th class:
employees
and salaries.

(a) One deputy horticultural commissioner at a salary of one thousand eight hundred dollars per annum.

(b) One inspector at a compensation of five dollars per diem during the time actually employed.

SEC. 28. A new section to be numbered two thousand three hundred twenty-two ~~x~~ twenty-seven is hereby added to the Political Code, to read as follows:

2322~~x~~27. In counties of the twenty-seventh class the commissioner shall receive a salary of two thousand four hundred dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following deputy, inspectors and clerks to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

Counties of
27th class:
employees
and salaries.

(a) One deputy horticultural commissioner at a monthly salary of one hundred thirty-five dollars.

(b) The commissioner is also authorized to appoint two inspectors at a monthly salary of one hundred twenty-five dollars during the time actually employed; four inspectors at a monthly salary of one hundred fifteen dollars during the time actually employed; and four inspectors at a monthly salary of ninety dollars during the time actually employed,

but the aggregate amount which may be expended in any year for all such inspectors shall not exceed twelve thousand eight hundred fifty dollars.

(c) The commissioner is also authorized and empowered to appoint not to exceed one clerk at a monthly salary of one hundred dollars during the time actually employed, but the aggregate amount which may be expended in any year for such clerk shall not exceed one thousand two hundred dollars.

SEC. 29. A new section to be numbered two thousand three hundred twenty-two *x* twenty-eight is hereby added to the Political Code, to read as follows:

Counties of
28th class:
employees
and salaries.

2322~~x~~28. In counties of the twenty-eighth class, the commissioner shall receive a salary of two thousand one hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the commissioner three inspectors, to be appointed by said commissioner which positions are hereby created and the salaries are hereby fixed as follows, to wit:

(a) Three inspectors at a compensation of four dollars per diem, during the time actually employed, but the aggregate amount which may be expended in any year for such inspectors shall not exceed one thousand two hundred dollars.

SEC. 30. A new section to be numbered two thousand three hundred twenty-two *x* twenty-nine is hereby added to the Political Code, to be read as follows:

Counties of
29th class:
employees
and salaries.

2322~~x~~29. In counties of the twenty-ninth class, the commissioner shall receive a salary of two thousand two hundred dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following deputies, inspectors and clerks to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) One deputy county horticultural commissioner at a salary of one thousand five hundred dollars per annum.

(b) The commissioner is also authorized and empowered to appoint not to exceed three inspectors at a monthly salary of one hundred dollars each, during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed two thousand four hundred dollars per year.

(c) The commissioner is also authorized and empowered to appoint not to exceed one clerk at a salary of one thousand dollars per annum, but the aggregate amount which may be expended in any year for such clerk shall not exceed one thousand dollars.

SEC. 31. A new section to be numbered two thousand three hundred twenty-two *x* thirty is hereby added to the Political Code, to read as follows:

Counties of
30th class:
employees
and salaries.

2322~~c~~30. In counties of the thirtieth class, the commissioner shall receive a salary of two thousand four hundred dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the

following deputies and inspectors to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) One deputy county horticultural commissioner at a salary of one thousand eight hundred dollars per annum.

(b) The commissioner is also authorized and empowered to appoint not to exceed two inspectors at a compensation of five dollars per diem each, during the time actually employed, and four inspectors at a compensation of four dollars per diem each, during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed four thousand dollars.

(c) The commissioner is also authorized and empowered to appoint not to exceed one clerk at a salary of one hundred dollars per month, but the aggregate amount which may be expended in any year for such clerk shall not exceed one thousand two hundred dollars.

SEC. 32. A new section to be numbered two thousand three hundred twenty-two *x* thirty-one is hereby added to the Political Code, to read as follows:

2322 x 31. In counties of the thirty-first class, the commissioner shall receive a salary of two thousand four hundred dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following inspectors and clerks, to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

Counties of
31st class:
employees
and salaries.

(a) Two inspectors at a monthly salary of one hundred twenty-five dollars each, during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed one thousand dollars per year.

(b) The commissioner is also authorized and empowered to appoint not to exceed one clerk at a monthly salary of seventy-five dollars, during the time actually employed, but the aggregate amount which may be expended in any year for such clerk shall not exceed nine hundred dollars per year.

SEC. 33. A new section to be numbered two thousand three hundred twenty-two *x* thirty-two is hereby added to the Political Code, to read as follows:

2322 x 32. In counties of the thirty-second class, the commissioner shall receive a salary of one thousand eight hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the commissioner the following inspectors and clerks to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

Counties of
32d class:
employees
and salaries.

(a) Ten inspectors at a compensation of five dollars per diem each, during the time actually employed; three inspectors at a compensation of four dollars and a half per diem each, during the time actually employed; three inspectors at a salary of three dollars and a half per diem each, during the time

actually employed, but the aggregate amount which may be expended in any one year for all such inspectors shall not exceed six thousand dollars per year.

(b) The commissioner is also authorized and empowered to appoint not to exceed one clerk at a compensation of three dollars and a half per diem, during time actually employed, but the aggregate amount which may be expended in any year for such clerk shall not exceed one hundred dollars.

SEC. 34. A new section to be numbered two thousand three hundred twenty-two *x* thirty-three is hereby added to the Political Code, to read as follows:

Counties of
33d class:
employees
and salaries.

2322~~x~~33. In counties of the thirty-third class, the commissioner shall receive a salary of one thousand eight hundred dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following deputies and inspectors to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) One deputy county horticultural commissioner at a compensation of five dollars per diem during the time actually employed but the aggregate amount which may be expended in any year for such deputy shall not exceed five hundred dollars.

(b) The commissioner is also authorized and empowered to appoint not to exceed four inspectors at a compensation of four dollars and a half per diem each, during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed one thousand two hundred dollars.

SEC. 35. A new section to be numbered two thousand three hundred twenty-two *x* thirty-four is hereby added to the Political Code, to read as follows:

Counties of
34th class:
employees
and salaries.

2322~~x~~34. In counties of the thirty-fourth class, the commissioner shall receive a salary of two thousand four hundred dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following deputies, inspectors and clerk to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) One deputy county horticultural commissioner at a compensation of six dollars per diem, during the time actually employed, but the aggregate amount which may be expended in any year for such deputy shall not exceed one thousand eight hundred dollars.

(b) The commissioner is also authorized and empowered to appoint not to exceed seven inspectors at a compensation of five dollars per diem each, during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed ten thousand five hundred dollars.

(c) The commissioner is also authorized and empowered to appoint not to exceed one clerk, at a monthly salary of one

hundred dollars, during the time actually employed, but the aggregate amount which may be expended in any year for such clerk shall not exceed one thousand two hundred dollars.

SEC. 36. A new section to be numbered two thousand three hundred twenty-two *x* thirty-five is hereby added to the Political Code, to read as follows:

2322*x*35. In counties of the thirty-fifth class, the commissioner shall receive a salary of two thousand four hundred dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following inspectors to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

Counties of
35th class:
employees
and salaries.

(a) Three inspectors at a compensation of three dollars and a half per diem each, during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed three thousand and sixty dollars.

SEC. 37. A new section to be numbered two thousand three hundred twenty-two *x* thirty-six is hereby added to the Political Code, to read as follows:

2322*x*36. In counties of the thirty-sixth class, the commissioner shall receive a salary of two thousand four hundred dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following inspectors to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

Counties of
36th class:
employees
and salaries.

(a) Three inspectors at a compensation of four dollars and a half per diem each, during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed two thousand dollars.

SEC. 38. A new section to be numbered two thousand three hundred twenty-two *x* thirty-seven is hereby added to the Political Code, to read as follows:

2322*x*37. In counties of the thirty-seventh class, the commissioner shall receive a salary of two thousand four hundred dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following inspectors and clerk, to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

Counties of
37th class:
employees
and salaries.

(a) Four inspectors at a compensation of four dollars and a half per diem each, during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed five thousand six hundred dollars.

(b) The commissioner is also authorized and empowered to appoint not to exceed one clerk at a monthly salary of ninety dollars, during the time actually employed, but the aggregate amount which may be expended in any year for such clerk shall not exceed one thousand eighty dollars.

SEC. 39. A new section to be numbered two thousand three hundred twenty-two *x* thirty-eight is hereby added to the Political Code, to read as follows:

Counties of
38th class:
employees
and salaries.

2322~~x~~38. In counties of the thirty-eighth class, the commissioner shall receive a salary of two thousand four hundred dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following deputies, inspectors and clerks to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) One deputy county horticultural commissioner at a salary of one thousand eight hundred dollars per annum.

(b) The commissioner is also authorized and empowered to appoint not to exceed one inspector at a monthly salary of one hundred twenty dollars, during the time actually employed, and three inspectors at a compensation of four dollars per diem each, during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed five thousand forty dollars.

(c) The commissioner is also authorized and empowered to appoint not to exceed one clerk, at a salary of three dollars per diem, during the time actually employed, but the aggregate amount which may be expended in any year for such clerk shall not exceed nine hundred dollars.

SEC. 40. A new section to be numbered two thousand three hundred twenty-two *x* thirty-nine is hereby added to the Political Code, to read as follows:

Counties of
39th class:
employees
and salaries.

2322~~x~~39. In counties of the thirty-ninth class, the commissioner shall receive a compensation of seven dollars per diem, during the time actually employed, but the aggregate amount which may be expended in any year for such commissioner shall not exceed two thousand one hundred dollars; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following inspectors to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) Two inspectors at a compensation of four dollars per diem, during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed one thousand two hundred dollars.

SEC. 41. A new section to be numbered two thousand three hundred twenty-two *x* forty is hereby added to the Political Code, to read as follows:

Counties of
40th class:
employees
and salaries.

2322~~x~~40. In counties of the fortieth class, the commissioner shall receive a salary of three thousand dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following inspectors to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) Two inspectors at a compensation of six dollars per diem, each, during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed three thousand six hundred dollars.

SEC. 42. A new section to be numbered two thousand three hundred twenty-two *x* forty-one is hereby added to the Political Code, to read as follows:

2322~~x~~41. In counties of the forty-first class, the commissioner shall receive a salary of three thousand six hundred dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following deputies, inspectors and clerks to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

Counties of
41st class:
employees
and salaries.

(a) Fifteen inspectors at a compensation of six dollars per diem, each during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed twelve thousand dollars.

(b) The commissioner is also authorized and empowered to appoint not to exceed one clerk, at a monthly salary of one hundred dollars, during the time actually employed, but the aggregate amount which may be expended in any year for such clerk shall not exceed one thousand two hundred dollars.

SEC. 43. A new section to be numbered two thousand three hundred twenty-two *x* forty-two is hereby added to the Political Code, to read as follows:

2322~~x~~42. In counties of the forty-second class, the commissioner shall receive a compensation of six dollars per diem, during the time actually employed; *provided*, that in counties of this class, there is hereby allowed to the commissioner the following deputies and inspectors to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

Counties of
42d class:
employees
and salaries.

(a) One deputy county horticultural commissioner at a compensation of five dollars per diem, during the time actually employed, but the aggregate amount which may be expended in any year for such deputy shall not exceed one thousand five hundred dollars.

(b) The commissioner is also authorized and empowered to appoint not to exceed three inspectors at a compensation of three dollars and a half per diem each, during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed two thousand dollars.

SEC. 44. A new section to be numbered two thousand three hundred twenty-two *x* forty-three is hereby added to the Political Code, to read as follows:

2322~~x~~43. In counties of the forty-third class, the commissioner shall receive a salary of two thousand four hundred dollars per annum; together with the amount of his actual traveling expenses; *provided*, that in counties of this class,

Counties of
43d class:
employees
and salaries.

there shall be allowed to the commissioner the following inspector and clerk, to be appointed by the commissioner, which positions are hereby created, and at the salaries as hereby fixed, as follows, to wit:

(a) One inspector at a compensation of four dollars per day, during such time as actually employed, but the aggregate amount which may be expended for such inspector in any one year shall not exceed the sum of one thousand five hundred dollars.

SEC. 45. A new section to be numbered two thousand three hundred twenty-two \times forty-four is hereby added to the Political Code, to read as follows:

Counties of
44th class:
employees
and salaries.

2322 \times 44. In counties of the forty-fourth class, the commissioner shall receive a salary of two thousand four hundred dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following deputies and inspectors to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) One deputy county horticultural commissioner at a salary of one hundred fifty dollars per month, during the time actually employed, but the aggregate amount which may be expended in any year for such deputy horticultural commissioner shall not exceed one thousand eight hundred dollars.

(b) The commissioner is also authorized and empowered to appoint not to exceed five inspectors, at a monthly salary of one hundred twenty-five dollars each, during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed seven thousand five hundred dollars.

SEC. 46. A new section to be numbered two thousand three hundred twenty-two \times forty-five is hereby added to the Political Code, to read as follows:

Counties of
45th class:
salary.

2322 \times 45. In counties of the forty-fifth class the commissioner shall receive a salary of one dollar per annum.

SEC. 47. A new section to be numbered two thousand three hundred twenty-two \times forty-six is hereby added to the Political Code, to read as follows:

Counties of
46th class:
clerk and
salaries.

2322 \times 46. In counties of the forty-sixth class, the commissioner shall receive a salary of two thousand four hundred dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following clerk, to be appointed by said commissioner, which position is hereby created, and the salary is hereby fixed as follows, to wit:

(a) One clerk, at a monthly salary of eighty dollars, during the time actually employed, but the aggregate amount which may be expended in any year for such clerk shall not exceed nine hundred sixty dollars.

SEC. 48. A new section to be numbered two thousand three hundred twenty-two \times forty-seven is hereby added to the Political Code, to read as follows:

2322x47. In counties of the forty-seventh class, the commissioner shall receive a salary of one thousand eight hundred dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following inspectors, to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

Counties of
47th class:
employees
and salaries.

(a) One inspector at a compensation of five dollars per diem, during the time actually employed, and one inspector at four dollars per diem each, during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed six hundred dollars.

Sec. 49. A new section to be numbered two thousand three hundred twenty-two x forty-eight is hereby added to the Political Code, to read as follows:

2322x48. In counties of the forty-eighth class, the commissioner shall receive a salary of six dollars per diem, during the time actually employed but the aggregate amount which may be expended in any year for such commissioner shall not exceed one thousand eight hundred dollars; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following deputies, inspectors and clerks, to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

Counties of
48th class:
employees
and salaries.

(a) One deputy county horticultural commissioner at a salary of one thousand eight hundred dollars per annum.

(b) The commissioner is also authorized and empowered to appoint not to exceed two inspectors at a compensation of five dollars per diem each, during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed one thousand five hundred dollars.

(c) The commissioner is also authorized and empowered to appoint not to exceed one clerk, at a salary of one thousand five hundred dollars per annum, but the aggregate amount which may be expended in any year for such clerk shall not exceed one thousand five hundred dollars.

Sec. 50. A new section to be numbered two thousand three hundred twenty-two x forty-nine is hereby added to the Political Code, to read as follows:

2322x49. In counties of the forty-ninth class, the commissioner shall receive a compensation of six dollars per diem, during the time actually employed, but the aggregate amount which may be expended in any year for such commissioner shall not exceed one thousand eight hundred dollars; *provided*, that in counties of this class there shall be and there is hereby allowed to the commissioner the following inspectors and clerk to be appointed by said commissioner, which positions are hereby created and the salaries are hereby fixed as follows, to wit:

Counties of
49th class:
employees
and salaries.

(a) The commissioner is also authorized and empowered to appoint not to exceed three inspectors at a compensation of three dollars per diem each during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed five hundred dollars.

(b) The said commissioner is also authorized and empowered to appoint not to exceed one clerk at a compensation of two dollars per diem during the time actually employed, but the aggregate amount which may be expended in any year for such clerk shall not exceed three hundred fifty dollars.

SEC. 51. A new section to be numbered two thousand three hundred twenty-two *x* fifty is hereby added to the Political Code, to read as follows:

Counties of
50th class:
salary.

2322*x*50. In counties of the fiftieth class, the commissioner shall receive a salary of one dollar per annum.

SEC. 52. A new section to be numbered two thousand three hundred twenty-two *x* fifty-one is hereby added to the Political Code, to read as follows:

Counties of
51st class:
employees
and salaries.

2322*c*51. In counties of the fifty-first class, the commissioner shall receive a salary of one thousand eight hundred dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following inspectors to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) Two inspectors at a compensation of five dollars per diem each, during the time actually employed, and four inspectors at a compensation of four dollars and a half per diem each, during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed one thousand three hundred dollars per annum.

SEC. 53. A new section to be numbered two thousand three hundred twenty-two *x* fifty-two is hereby added to the Political Code, to read as follows:

Counties of
52d class:
employees
and salaries.

2322*x*52. In counties of the fifty-second class, the commissioner shall receive a salary of one thousand five hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the commissioner the following inspectors, to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) Four inspectors at a compensation of three dollars and a half per diem, each, during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed one thousand dollars.

SEC. 54. A new section to be numbered two thousand three hundred twenty-two *x* fifty-three is hereby added to the Political Code, to read as follows:

Counties of
53d class.

2322*x*53. In counties of the fifty-third class, the commissioner shall receive a salary of one dollar per annum.

SEC. 55. A new section to be numbered two thousand three hundred twenty-two *x* fifty-four is hereby added to the Political Code, to read as follows:

2322*x*54. In counties of the fifty-fourth class, the commissioner shall receive a salary of one dollar per annum. Counties of
54th class.

SEC. 56. A new section to be numbered two thousand three hundred twenty-two *x* fifty-five is hereby added to the Political Code, to read as follows:

2322*x*55. In counties of the fifty-fifth class, the commissioner shall receive a salary of one dollar per annum. Counties of
55th class.

SEC. 57. A new section to be numbered two thousand three hundred twenty-two *x* fifty-six is hereby added to the Political Code, to read as follows:

2322*x*56. In counties of the fifty-sixth class, the commissioner shall receive a salary of one dollar per annum. Counties of
56th class.

SEC. 58. A new section to be numbered two thousand three hundred twenty-two *x* fifty-seven is hereby added to the Political Code, to read as follows:

2322*x*57. In counties of the fifty-seventh class, the commissioner shall receive a salary of one dollar per annum. Counties of
57th class.

SEC. 59. A new section to be numbered two thousand three hundred twenty-two *x* fifty-eight is hereby added to the Political Code, to read as follows:

2322*x*58. In counties of the fifty-eighth class, the commissioner shall receive a salary of one dollar per annum. Counties of
58th class.

CHAPTER 85.

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

[Approved by the Governor April 21, 1925.]

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

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

73. The superior courts shall be always open (legal holidays and nonjudicial days excepted), and they shall hold their sessions at the county seats of the several counties, or cities and counties, except as otherwise provided by section one hundred forty-two of this code. They shall hold regular sessions, commencing on the first Mondays of January, April, July, and October, and special sessions at such other times as may be prescribed by the judge or judges thereof; *provided*, that in the city and county of San Francisco the presiding judge shall prescribe the times of holding such special sessions; *provided, also*, that a session of the superior court shall be held at each city containing a population of not less than fifty thousand as ascertained by the last preceding census taken under the authority of the congress of the United States, or the legislature of the State of California, wherein the city hall Sessions of
superior
courts.

of said city is not less than fifteen miles distant from the site of the county courthouse; and a majority of the judges of the superior court of said county, may, by an order filed with the county clerk, and published as they may prescribe, provide for, and direct the holding of, additional sessions in each of said cities, when they deem such additional sessions necessary or convenient.

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

Changes
in place
of holding
court.

142. The judge or judges authorized to hold or preside at a court appointed to be held in a particular place in a city and county, county, city or town, may, by an order filed with the city and county, or county clerk, and published as he or they may prescribe, direct that the court be held or continued at any other place in the city and county, county, city or town than that appointed, when war, insurrection, pestilence, or other public calamity, or the danger thereof, or the destruction or danger of the building appointed for holding the court may render it necessary; and may in the same manner revoke the order, and in his or their discretion, appoint another place in the same city and county, county, city, or town, for holding the court; and may also, in the same manner in his or their discretion, whenever such judge or judges deem it necessary or advisable, direct that the court be held or continued at any other place in the city and county, county, city or town not less than one hundred twenty miles distant from the county seat; *provided, further*, that at least one session of the superior court shall be held in each city containing a population of not less than fifty thousand as ascertained by the last preceding census taken under the authority of the congress of the United States, or the legislature of the State of California, wherein the city hall of said city is not less than fifteen miles distant from the site of the county courthouse.

Effect
of act.

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

CHAPTER 86.

An act to provide that life insurance companies shall be credited upon forthcoming taxes in the respective sums heretofore collected from them under an erroneous construction of the provisions of section fourteen of article thirteen of the constitution and of the legislation enacted

in pursuance thereof, prescribing certain duties of the insurance commissioner and of the board of equalization with respect to such credits, and prescribing the conditions under which such credits shall be granted.

[Approved by the Governor April 21, 1925.]

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

SECTION 1. It having been determined by the supreme court of the State of California that certain taxes heretofore assessed against and collected from life insurance companies doing business in this state were so assessed and collected by reason of an erroneous construction of the provisions of section fourteen of article thirteen of the constitution, adopted November 8, 1910, and of the legislation enacted in pursuance thereof, whereby there was denied to such companies the right to deduct from the premiums stipulated in their respective policies dividends or coupon reductions credited or paid to said policyholders, when ascertaining and fixing the gross premium receipts of such companies for purposes of taxation, there is hereby granted to such life insurance companies a credit upon their forthcoming taxes equal in amount to the aggregate of the sums heretofore erroneously assessed against and collected from each of them respectively as aforesaid; but without costs or interest on any part thereof; *provided, however,* and upon the express condition that at or before the time of applying for such credit, or any part thereof, but in any event not later than the fourth Monday prior to the first Monday in July, A. D. 1925, each such life insurance company so applying shall file with the state board of equalization a written admission of liability, past and future, for taxes levied upon the gross premiums received upon its business done in this state, without deducting therefrom matured endowments or surrender values.

Life insurance companies granted credit upon forthcoming taxes.

SEC. 2. It shall be the duty of the insurance commissioner to certify to the state board of equalization so soon as may be practicable after this act takes effect, and in no event later than the fourth Monday prior to the first Monday in July, A. D. 1925, the name of each life insurance company from which taxes have been heretofore erroneously collected as above set forth and the aggregate amount so erroneously collected from each of them.

Duty of insurance commissioner.

SEC. 3. Upon receipt of the foregoing certification from the insurance commissioner and of the written admission of liability in the manner and within the time mentioned in section one hereof, the board of equalization shall, upon the application of any life insurance company entitled thereto under the provisions of this act, prior to completing its record of assessments for each of the years 1925, 1926 and 1927, allow as a credit and as an advance payment upon the tax which otherwise would be assessed against such company for each of said years an amount equal as nearly as may be to one-

Duty of board of equalization.

third of the sum so certified by the insurance commissioner to have been erroneously collected from such company, and shall, during each of said years, and such further time as may be necessary to completely credit said taxes so erroneously collected, deduct the amount of such credit and advance payment from the tax which otherwise would be assessed against such company for such year, prior to delivering to the controller of state the record of assessments for such year.

In effect
immediately.

SEC. 4. This act, being an act providing for a tax levy, shall take effect immediately, pursuant to the provisions of section one of article four of the constitution.

CHAPTER 87.

An act to amend section one of an act entitled "An act declaring the conditions upon which an irrigation district may be dissolved, prescribing the procedure therefor, and the winding up of the affairs of the district when dissolved," approved May 18, 1919, relating to provisions for the dissolution of such districts.

[Approved by the Governor April 22, 1925.]

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

Stats. 1919,
p. 751,
amended.

SECTION 1. Section one of an act entitled "An act declaring the conditions upon which an irrigation district may be dissolved, prescribing the procedure therefor, and the winding up of the affairs of the district when dissolved," approved May 18, 1919, is hereby amended to read as follows:

Dissolution
of irrigation
districts.

Section 1. Any irrigation district organized under any of the laws of the State of California, providing for the organization of irrigation districts, which

(a) Has been organized more than three years and has failed and neglected to secure an adequate water supply and which does not have a reasonable prospect of securing an adequate water supply for the lands of the district without prohibitive cost, and has failed and neglected to obtain the approval of the state water commission of the water supply of said district and has failed and neglected to obtain the approval of the state engineer of the plans of said district, and has failed and neglected to construct or acquire a system of works or the financing thereof, and has failed and neglected to obtain the approval of the irrigation district bond commission; or

(b) Has been organized for more than ten years and for more than five years after the construction or acquisition of a system of works has failed and neglected to maintain such works, or for five years or more after such works have been constructed or acquired has failed and neglected to supply or make available, water for the irrigation of more than ten per cent of the lands of the district;

May be dissolved and annulled by the superior court of the county in which said district is located by proceedings in an action brought by the attorney general in the name of the people of the State of California, upon his own information. Before such an action can be commenced in the courts the attorney general shall publish for two consecutive weeks in some newspaper published in the county in which the greater portion of the district is located, a notice to all parties in interest that it is his intention to begin such an action for the dissolution of said district. The rules of pleading and practice in the Code of Civil Procedure not inconsistent with the provisions of this act are made applicable to the proceedings herein provided.

CHAPTER 88.

An act appropriating money to pay the claim of H. W. Levers against the State of California.

[Approved by the Governor April 24, 1925.]

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

SECTION 1. The sum of two million two hundred thirty-nine thousand one hundred six dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of H. W. Levers against the State of California.

Appropriation: claim of H. W. Levers.

CHAPTER 89.

An act regulating the securing by priests, ministers, or other persons, of wine for use for sacramental purposes by their congregations, providing rules and regulations therefor, and prescribing penalties for the violation thereof.

[Approved by the Governor April 24, 1925.]

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

SECTION 1. No priest, minister or officer of any church or congregation in this state authorized so to do, shall apply for or receive any wine for use for sacramental purposes by members of his congregation, without having first secured from the district attorney of the county or city and county in which such church or congregation is established and holds its services, a permit authorizing him to receive for members of his congregation wine for sacramental purposes; *provided, however,* that no such permit shall be issued by any district attorney until the permit, required in such cases under the national prohibition act, shall have been obtained from the federal prohibition director of the district in which the district attorney resides.

Permit to receive wine for sacramental purposes.

SEC. 2. Every request for such a permit shall be made in writing, and the district attorney is hereby required to exam-

Request for and issuance of permit.

inc the person making such application in writing under oath, or to require an affidavit by him setting forth such information relative to the location of his church and the names and residences of the members of his congregation and such additional data, as such district attorney may require. The district attorney shall issue a permit authorizing the receipt of wine for sacramental purposes by members of a congregation to any priest or minister or other officer duly authorized by such congregation to secure the same, whenever he shall be satisfied that such wine is in good faith intended, and will be used only for sacramental purposes by bona fide members of such congregation; *provided, however*, that where a church or religious denomination has duly constituted and recognized archbishop, bishop, or other central ecclesiastical authority having jurisdiction over a certain defined ecclesiastical territory and district within this state, but one permit shall be necessary or required in the case of priests or ministers officiating under the jurisdiction of such central ecclesiastical authority, such permit to be issued by the district attorney of the county or city and county in which such central ecclesiastical authority resides, upon his proper application therefor.

Contents of records and permits.

SEC. 3. The district attorney shall number all permits so issued consecutively and shall keep in his office and deliver to his successor in office a record of such permits. Both the permit and the record thereof shall show the number and the date thereof, the name and address of the person to whom issued, the name of the congregation for which the wine is intended and the place such church or congregation holds its services, the amount of wine to be received and such other information as the district attorney may require.

Penalties.

SEC. 4. Any person convicted of violating any provision of this act shall, for a first offense, be fined not more than one thousand dollars or be imprisoned not more than six months in the county jail, and for a second or subsequent offense shall be imprisoned in the state prison not less than one year nor more than five years.

Review by superior court.

SEC. 5. The superior court in and for the county, or city and county, in which such district attorney resides shall have the right to review the action of such district attorney in granting or refusing to issue the permit designated herein. Upon the hearing of such application for review the court shall have the right to examine and consider all the evidence presented before the district attorney in such matter. Any person, interested or affected by the action of such district attorney in granting or refusing such permit, is hereby authorized to make application for such review, such application to be made within ten days from the date of such decision, by serving upon such district attorney a notice of such application for review and a demand in writing for a certified transcript of all the papers on file in his office affecting or relating to such decision and all the evidence taken on the hearing and paying for each folio of the transcript of oral testimony the

fees specified for transcription in section two hundred seventy four of the Code of Civil Procedure, and for copies of other papers ten cents per folio. Thereupon, the district attorney shall, within thirty days, make and certify such transcript and the petitioner shall, within five days after receiving the same, file the same and the notice of application for such review with the clerk of such court.

SEC. 6. This act shall not be deemed or construed to apply to the use of wine for sacramental purposes by a priest or minister alone, but only to the use thereof by the members of the congregation of such priest or minister for such purposes, and nothing herein contained shall require any priest or minister to obtain from the district attorney the permit herein mentioned, before applying for or receiving wine for use by himself alone for sacramental purposes.

When priest
does not
need permit.

CHAPTER 90.

An act to amend section nineteen x fifty of an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody, and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salaries thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March eighth, one thousand nine hundred nine, as amended by an act approved April fifth, one thousand nine hundred eleven, and as amended by an act approved June sixteenth, one thousand nine hundred thirteen, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended.

[Approved by the Governor April 27, 1925.]

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

SECTION 1. Section nineteen x fifty of an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody, and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a pro-

Stats. 1921,
p. 1064,
amended.

bation committee to deal with such persons and fixing the salaries thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March eighth, one thousand nine hundred nine, as amended by an act approved April fifth, one thousand nine hundred eleven, and as amended by an act approved June sixteenth, one thousand nine hundred thirteen, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, is hereby amended to read as follows:

19.c50. In counties of the fiftieth class there shall be one probation officer whose salary shall be fifty dollars (\$50) per month.

Counties of
50th class:
salary of
probation
officer.

CHAPTER 91.

An act to authorize the sale and conveyance by the state board of control of any real estate acquired by the state for use of the California highway commission, and to credit the proceeds of such sale to such fund as the California highway commission may direct.

[Approved by the Governor April 27, 1925.]

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

Sale of
surplus land
acquired by
highway
commission.

SECTION 1. In case it should be determined by the California highway commission that any real estate heretofore or hereafter acquired by the said commission and deeded to the State of California is no longer necessary to the said California highway commission, the board of control upon the request of the said California highway commission is hereby authorized to negotiate the sale thereof to the highest bidder, such bid being subject to approval by the California highway commission, and the chairman of the said board of control is hereby empowered to execute and deliver in the name and on behalf of the State of California, a conveyance of such land to the purchaser, upon the payment of the purchase price to the state treasurer.

Disposition
of purchase
price.

SEC. 2. Such purchase price when so paid to the state treasurer shall be credited to such fund as the California highway commission shall direct.

CHAPTER 92.

An act to amend section seven of the Civil Code, relating to holidays.

[Approved by the Governor April 27, 1925.]

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

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

7. Holidays within the meaning of this code are every Sun-^{Holidays.} day and such other days as are specified or provided for as holidays in the Political Code of the State of California.

CHAPTER 93.

An act to amend section ten and to repeal section eleven of the Code of Civil Procedure, relating to holidays.

[Approved by the Governor April 27, 1925.]

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

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

10. Holidays within the meaning of this code are every ^{Holidays.} Sunday and such other days as are specified or provided for as holidays in the Political Code of the State of California.

SEC. 2. Section eleven of the Code of Civil Procedure is ^{repealed.} hereby repealed.

CHAPTER 94.

An act to amend section four thousand two hundred thirty-nine of the Political Code, relating to salaries of officers of counties of the tenth class.

[Approved by the Governor April 27, 1925.]

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

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

4239. In counties of the tenth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, ^{Counties of 10th class: salaries and fees of officers.} to wit:

1. The county clerk, four thousand dollars per annum; ^{Clerk.} provided, that in counties of this class there shall be and there is hereby allowed to the county clerk one deputy for each department of the superior court in each of said counties, which offices are hereby created, as provided by section four thousand two hundred ninety of the Political Code of the State of California. Said deputies shall be appointed by said county clerk, shall be court room-clerks of said department, and shall each receive a salary of two thousand one hundred dollars per annum, which shall be paid by said county in monthly installments at the same time, in the same manner and out of the same funds as the salary of the county clerk is paid. There shall be also and is hereby allowed the said county clerk a chief deputy and two office deputies and one copyist, which offices are hereby created. Said deputies shall be appointed by said county clerk, the chief deputy to receive a salary of two hundred dollars per month, and the office

deputies each to receive a salary of one hundred fifty dollars per month, and the copyist to receive a salary of one hundred twenty-five dollars per month, which salaries shall be paid by said county in monthly installments at the same time and in the same manner and out of the same funds as the salary of the county clerk is paid. In each year in which a new and complete registration of voters is required by law, said county clerk shall appoint an additional deputy or deputies, who shall receive the sum of seven and one-half cents per name for taking the affidavits of registration outside of the office of said county clerk, and the claims for their services at said rate shall be presented to and allowed by the board of supervisors as other claims are presented and allowed. In each year in which a general election is held the county clerk may appoint assistant clerks, which offices are hereby created, and whose compensation shall not exceed the sum of two thousand four hundred dollars in the aggregate for all assistants so employed. All fees received by this office shall be turned over to the county and become the property of the county. All the provisions in this paragraph, are to apply to the present incumbents.

Sheriff.

2. The sheriff, three thousand four hundred dollars per annum and such mileage as is now allowed by law, and also all fees for service of papers in actions arising outside of this county; *provided*, that in counties of this class there shall be and hereby is allowed to the sheriff fifteen deputies, whose offices are hereby created, and who shall be appointed by the sheriff, and shall be paid salaries as follows: One chief deputy sheriff at a salary of two thousand four hundred dollars per annum; one deputy sheriff, to act as finger-print expert and photographer, at a salary of two thousand one hundred dollars per annum; one deputy sheriff to act as assistant finger-print expert and photographer at a salary of one thousand five hundred dollars per annum; one deputy sheriff to act as chief criminal deputy, at a salary of two thousand four hundred dollars per annum; three deputy sheriffs, at a salary of one thousand eight hundred dollars each per annum; one deputy sheriff to act as jailer at a salary of two thousand dollars per annum; one deputy sheriff to act as assistant jailer at a salary of one thousand eight hundred dollars per annum; two deputy sheriffs to act as turnkeys in the jail at a salary of one thousand eight hundred dollars each per annum; one deputy sheriff to act as office deputy at a salary of one thousand eight hundred dollars per annum; three deputy sheriffs to act as court bailiffs in the several departments of the superior court at a salary of one thousand five hundred dollars each per annum.

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 paragraphs relating to salaries of deputies shall apply to the incumbents.

3. The recorder, three thousand four hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed the recorder four deputies who shall be appointed by the recorder, and shall be paid the following salaries, to wit: One chief deputy at a salary of two thousand one hundred dollars per annum; one deputy (who shall have charge of the Torrens work) at a salary of two thousand one hundred dollars per annum; one deputy at a salary of one thousand eight hundred dollars per annum; one deputy at a salary of one thousand five hundred dollars per annum. The salaries of said deputies shall be paid by the county in equal monthly installments at the same time and in the same manner and out of the same funds as the salaries of the county officers are paid. The recorder may also appoint such number of copyists as may be required, who shall be paid by the county at the rate of five cents per folio. The compensation of such copyists shall be paid monthly upon claims duly presented to and allowed by the board of supervisors as other claims are presented and allowed. All fees and commissions received by this office shall be turned over to the county and become the property of the county. Except as to the salary of the recorder, the changes effected by this subdivision shall apply to the incumbents. Recorder.

4. The auditor, three thousand six hundred dollars per annum. In counties of this class there shall be, and there is hereby allowed to the auditor the following deputies, whose offices are hereby created and who shall be appointed by the auditor and receive the following salaries; one chief deputy, two thousand four hundred dollars per annum; two deputies, one thousand eight hundred dollars each per annum; one deputy, one thousand five hundred dollars per annum, and such other assistants as the auditor may require; *provided*, that the compensation of such other assistants shall not in the aggregate exceed the sum of four thousand four hundred dollars in any one year; *and provided, further*, that the auditor shall file with the county clerk a verified statement, showing in detail the amounts and the persons to whom said compensation is paid. The salaries of said deputies and assistants herein provided for shall be paid by the said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the auditor is paid. The provisions of this paragraph relating to deputies and assistants shall apply to the incumbents. Auditor.

5. The treasurer, three thousand six hundred dollars per annum. In counties of this class there shall be, and there is hereby allowed to the treasurer two deputies, which offices are hereby created, who shall be appointed by the treasurer and Treasurer.

receive the following salaries: One chief deputy, two thousand one hundred dollars per annum; one deputy, one thousand eight hundred dollars per annum; and also such assistants as the treasurer may require; *provided*, that the compensation of such assistants shall not in the aggregate exceed the sum of one thousand five hundred dollars in any one year; *and provided, further*, that the treasurer shall file with the county auditor a verified statement, showing in detail the amounts and the persons to whom said compensation is paid. The salaries of said deputies and assistants herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the treasurer is paid. All fees pertaining to this office and coming under the supervision of the official capacity to be credited to the county. The provisions of this paragraph relating to deputies and assistants shall apply to the incumbents.

Tax
collector.

6. The tax collector, three thousand six hundred dollars per annum. In counties of this class there shall be and there is hereby allowed to the tax collector the following deputies, whose offices are hereby created and who shall be appointed by the tax collector: One chief deputy at a salary of two thousand four hundred dollars per annum; one deputy at a salary of one thousand eight hundred dollars per annum, and such assistants as the tax collector may require; *provided*, that the compensation of such assistants shall not in the aggregate exceed the sum of eleven thousand dollars in any one year; *and provided, further*, that the tax collector shall file with the county auditor a verified statement, showing in detail the amounts and the persons to whom said compensation is paid. The salaries of said deputies and assistants herein provided for shall be paid by the said county in monthly installments at the same time and in the same manner and out of the same funds as the salary of the tax collector is paid. The provisions of this paragraph relating to deputies and assistants shall apply to the incumbents.

Assessor.

7. The assessor, four thousand two hundred dollars per annum. In counties of this class there shall be allowed to the assessor the following deputies, whose offices are hereby created, and who shall be appointed by the assessor: One deputy who shall be chief deputy at a salary of two thousand four hundred dollars per annum; one valuation deputy at a salary of two thousand dollars per annum; one office deputy at a salary of two thousand one hundred dollars per annum; and one office deputy at a salary of one thousand eight hundred dollars per annum, and such field deputies as the assessor may require, and whose compensation in the aggregate shall not exceed twenty thousand dollars per annum; *and provided*, that the assessor shall file with the county auditor a verified statement showing in detail the amounts and the persons to whom such compensation is paid. The assessor shall also be allowed his necessary traveling expenses, not exceeding in any

one year the sum of three hundred dollars. The salaries of such deputies shall be paid by said county in monthly installments at the same time and in the same manner and out of the same funds as county officers are paid. The provisions of this paragraph relating to deputies shall apply to the incumbents. All fees and commissions, including commissions on poll taxes, collected by this office shall be turned over to the county and become the property of the county.

8. The district attorney, four thousand two hundred dollars Attorney. per annum. In counties of this class there shall be and there is hereby allowed to the district attorney, one chief deputy and two deputies to be appointed by the district attorney and who shall be regularly admitted to practice before the courts of the State of California. The said chief deputy shall receive a salary of three thousand four hundred dollars per annum, and one deputy to receive a salary of two thousand eight hundred dollars per annum, and one deputy to receive a salary of two thousand four hundred dollars per annum, which said salaries shall be paid by the county in equal monthly installments at the same time and in the same manner and out of the same fund as the salary of the said district attorney is paid. There shall be and there is hereby allowed to the district attorney one stenographer to be appointed by the district attorney at a salary of one thousand eight hundred dollars per annum, which said salaries shall be paid in equal monthly installments at the same time and in the same manner and out of the same funds as the salary of the district attorney. The provisions of this paragraph relating to deputies and the stenographer shall apply to the incumbents.

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

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

11. The superintendent of schools, three thousand four hundred dollars per annum and actual traveling expenses when visiting the schools of the county. In counties of this class there shall be and there is hereby allowed to the superintendent of schools the following deputies: One office deputy, at a salary of one thousand eight hundred dollars per annum; one office deputy at a salary of one thousand five hundred dollars per annum, which offices are hereby created, and who shall be appointed by the said superintendent of schools. 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 salary of the superintendent of schools is paid. All fees pertaining to this office to be credited to the county. The provisions of this paragraph relating to the deputies shall apply to the incumbent. Supt of schools.

12. The surveyor, ten dollars per day when actually Surveyor. employed by the county.

13. Justices of the peace shall receive the following monthly Justices of the peace. salaries, to be paid each month in the same manner and out of the same fund as county officers are paid, which shall be

in full for all services rendered by them as such officers: (1) In townships having a population of twenty thousand or over, one hundred seventy-five dollars per month; (2) in townships having a population of fifteen thousand or over to twenty thousand, one hundred fifty dollars per month; (3) in townships having a population of twelve thousand or over to fifteen thousand, one hundred twenty-five dollars per month; (4) in townships having a population of nine thousand or over to twelve thousand, one hundred dollars per month; (5) in townships having a population of six thousand or over to nine thousand, seventy-five dollars per month; (6) in townships having a population of three thousand or over to six thousand, fifty dollars per month; (7) in townships having a population less than three thousand, twenty-five dollars per month.

Constables.

14. Constables shall receive the following monthly salaries, to be paid each month in the same manner and out of the same fund as county officers are paid; which shall be in full for all services rendered by them in criminal cases: (1) In townships having a population of twenty thousand or over, one hundred seventy-five dollars per month; (2) in townships having a population of fifteen thousand or over to twenty thousand, one hundred and fifty dollars per month; (3) in townships having a population of twelve thousand or over to fifteen thousand, one hundred twenty-five dollars per month; (4) in townships having a population of nine thousand or over to twelve thousand, one hundred dollars per month; (5) in townships having a population of six thousand or over to nine thousand, seventy-five dollars per month; (6) in townships having a population of three thousand or over to six thousand, fifty dollars per month; (7) in townships having a population less than three thousand, twenty-five dollars per month; *provided, further*, that each constable shall receive his actual and necessary expenses incurred in conveying prisoners to the court or to the county jail. In addition to the compensation received in criminal cases, each constable shall receive and retain for his own use, such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions.

Supervisors.

15. Each supervisor, two thousand four hundred dollars per annum, payable in monthly installments, 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. In addition to the expenses last above allowed, he shall receive ten cents per mile for each mile necessarily traveled in county business within the county, not to exceed in the aggregate fifty dollars in any one month.

Live stock inspector.

16. A live stock inspector, three hundred dollars per annum, which shall be in full payment for all services rendered by said inspector.

Population of townships.

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 1920;

provided, that the board of supervisors of said county may each four years thereafter cause a census of any or all townships in the county to be taken for the purpose of determining the population of said township or townships upon which to base the salaries of justices of the peace and constables.

18. In counties of this class grand and trial jurors in ^{Jurors.} superior courts shall receive for each day's attendance, per day, the sum of three dollars. In justices' courts in civil cases jurors shall receive for each day's attendance, per day, the sum of two dollars. In justices' and recorders' courts in criminal cases jurors shall receive for each day's 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, however*, 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.

19. If any paragraph, sentence, clause or phrase of this is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this section. The legislature hereby declares that it would have passed each section and each paragraph, sentence, clause and phrase thereof, irrespective of the fact that any one or more paragraphs, sentences, clauses, or phrases is declared unconstitutional. ^{Constitutionality.}

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

CHAPTER 95.

An act authorizing the State of California to exchange lots ten, eleven and twelve in block four of Diestelhorst's addition to the city of Redding, county of Shasta, State of California, for block five and lots six and seven in block six of said Diestelhorst's addition to said city of Redding, approving the negotiations heretofore conducted by the California highway commission for the effecting of such exchange and authorizing the payment of money on such exchange.

[Approved by the Governor April 28, 1925.]

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

SECTION 1. The State of California now owns lots ten, eleven, and twelve in block four of Diestelhorst's addition to the city of Redding, county of Shasta, State of California, which ^{Exchange of lots in Redding by highway commission ratified.}

property was occupied by the California highway commission, and said California highway commission determined that said property was insufficient for its purposes, and, accordingly, negotiated through the Redding Chamber of Commerce, Incorporated, for the transfer to the State of California for the use of said California highway commission all of block five, and lots six and seven in block six of said Diestelhorst's addition to said city of Redding, county of Shasta, State of California, and payment by said California highway commission of the sum of six thousand seven hundred fifty dollars to said Redding Chamber of Commerce and for the transfer by said State of California to said Redding Chamber of Commerce, Incorporated, or its nominee, of said lots ten, eleven and twelve in block four of said Diestelhorst's addition to said city of Redding, and upon the transfer of said lots ten, eleven and twelve in block four for the repayment to said California highway commission of the sum of one thousand seven hundred fifty dollars.

Said block five and said lots six and seven in block six of said Diestelhorst's addition to said city of Redding have already been conveyed to the State of California in accordance with said negotiations, and are now used and occupied by said California highway commission. Said negotiation and agreements so entered into by said California highway commission on behalf of the State of California and the payment of said sum of six thousand seven hundred fifty dollars to consummate said exchange of properties are hereby approved and ratified.

Governor to
execute deed.

SEC. 2. The governor of the State of California is hereby empowered, for and on behalf of, and in the name of, the State of California, to execute, acknowledge and deliver to the Redding Chamber of Commerce, Incorporated, a good and sufficient grant, bargain and sale deed conveying and transferring to said Redding Chamber of Commerce, Incorporated, said lots ten, eleven and twelve in block four of said Diestelhorst's addition to said city of Redding, county of Shasta, State of California, upon the payment to said California highway commission by said grantee of the sum of one thousand seven hundred fifty dollars.

CHAPTER 96.

An act confirming and validating the organization and existence of school districts, high school districts, and junior college districts of every kind and class.

[Approved by the Governor April 28, 1925.]

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

School
districts
validated.

SECTION 1. All school districts, high school districts, and junior college districts, of any kind or class, which have acted and existed as such for more than one year prior to the taking effect of this act, are hereby declared to be legally and

duly formed, organized, established, incorporated and existing, and as such school districts, high school districts and junior college districts shall have all the rights and privileges and be subjected to all the duties and obligations of duly formed, organized, established or incorporated school districts, high school districts, and junior college districts.

CHAPTER 97.

An act confirming and validating the boundaries of school districts, high school districts, and junior college districts.

[Approved by the Governor April 28, 1925.]

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

SECTION 1. The boundaries of every school district, high school district, or junior college district, of any kind or class, as the same were established or existing one year prior to the taking effect of this act, are hereby confirmed, validated and declared to be legally established; *provided*, that within one year prior to the taking effect of this act any school tax purporting to be for school purposes of such district, high school district, or junior college district, has been levied in such district.

School district boundaries validated.

CHAPTER 98.

An act to validate the organization and incorporation of municipal corporations.

[Approved by the Governor April 28, 1925.]

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

SECTION 1. All municipal corporations, the organization and incorporation of which have been authenticated by the 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 certified 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 13, 1883, 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 corporation 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 this act where the right to act as such is being contested or inquired into in legal proceedings which are now pending and undetermined.

Municipal corporations validated.

CHAPTER 99.

An act to validate bonds issued under drainage district improvement act of 1919 and all proceedings relative thereto.

[Approved by the Governor April 28, 1925.]

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

Drainage
district
bonds
validated.

SECTION 1. All proceedings heretofore taken and had under the act approved May 18, 1919, as amended, and commonly known and described as "Drainage district improvement act of 1919," for issuing bonds, all acts and proceedings of the board of supervisors of the county or counties in which such districts are situated and all of the acts of public officers in connection therewith leading up to and including the issuance of such bonds as have hitherto been issued, are hereby legalized, ratified, confirmed and validated to all intents and purposes, and the power to issue such bonds is hereby acknowledged, granted, ratified, confirmed and declared, and the said bonds are declared to be and shall be legal and binding obligations against the lands in the districts in which such bonds have heretofore been issued.

Exception.

SEC. 2. This act shall not operate to validate or confirm the bonds of any drainage improvement district or any proceedings in relation thereto where the legality of such bonds or proceedings is questioned or contested in any litigation pending and undetermined at the time of the passage of this act.

CHAPTER 100.

An act to provide for the disposition of certain material of the former geological survey of California delivered to the president of the University of California pursuant to an act of the legislature of the State of California, approved March 27, 1874.

[Approved by the Governor April 28, 1925.]

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

Geological
survey
may be
disposed of.

SECTION 1. The regents of the University of California are authorized to destroy, or otherwise dispose of all, or any part, of the instruments, accouterments, furniture, property, maps, books, drawings, manuscripts, notes, engravings, lithographic stones, wood cuts, field notes, and other material, of every description and nature, formerly belonging or appertaining to the geological survey of California and delivered to the president of the University of California pursuant to an act of the legislature of the State of California, approved March 27, 1874, at such time or times as the president of the University of California shall determine that the further keeping and preservation thereof will serve no useful purpose to the University of California or the State of California.

SEC. 2. All proceeds of the sale of the property and materials referred to in section one of this act, or any part thereof, shall be paid over to the comptroller of the University of California, and be by him credited to the general fund of the said University of California. Disposition of proceeds.

CHAPTER 101.

An act to amend section four hundred sixty-one of the Penal Code, relating to the punishment of the crime of burglary.

[Approved by the Governor April 28, 1925.]

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

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

461. Burglary is punishable by imprisonment in the state prison as follows: Punishment for burglary.

1. Burglary in the first degree for not less than five years.
2. Burglary in the second degree for not less than one or more than fifteen years.

CHAPTER 102.

An act granting certain tidclands and submerged lands of the State of California to the city of Long Beach upon certain trusts and conditions.

[Approved by the Governor April 28, 1925.]

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

SECTION 1. There is hereby granted to the city of Long Beach, a municipal corporation of the State of California, and to its successors, all of the right, title and interest of the State of California, held by said state by virtue of its sovereignty, in and to all of the tidclands and submerged lands, whether filled or unfilled, bordering upon, under, and situated below the mean high tide line of the Pacific ocean, or of any harbor, estuary, bay or inlet, which are within the corporate limits of said city, 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: Lands granted to Long Beach.

(a) That none of said lands shall be used or devoted to any purposes other than public park, parkway, highway, playground, the establishment, improvement and conduct of a harbor and 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 what- Use of lands.

soever; *provided, however*, that nothing herein contained shall be so construed as to prevent the granting or use of easements, franchises or leases for limited periods, or rights of way in, under, over or across said tidelands or submerged lands for power, telephone, telegraph or cable lines or landings, sewage disposal conduits, wharves and other public uses and purposes consistent with the trusts upon which said lands are held.

(b) That said lands devoted to the conduct of a harbor shall be improved by said city without expense to the state and such harbor 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 dis-
crimination.

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

Right
to fish.

(d) The absolute right to fish in the waters of the Pacific ocean over said tidelands and submerged lands, with the right of convenient access to said waters over said lands for said purpose is hereby expressly reserved to the people of the State of California.

CHAPTER 103.

An act to amend the title and sections one and two of an act entitled "An act authorizing counties to improve or assist in the improvement of streets lying in municipalities," approved April 30, 1923, amending the provisions thereof relative to the aid to be given by counties in the improvement of city streets and relative to the funds from which such aid may be given.

[Approved by the Governor April 30, 1925.]

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

Stats. 1923,
p. 123,
amended.

SECTION 1. The title of an act entitled "An act authorizing counties to improve or assist in the improvement of streets lying in municipalities," approved April 30, 1923, is hereby amended to read as follows:

Title.

An act authorizing counties to construct, improve, maintain and repair streets lying in municipalities or to aid or assist by the appropriation of money and otherwise in establishing, laying out, opening, widening, extending, straightening, constructing, improving or altering streets or changing or separating the grades thereof within municipalities or in acquiring lands, rights of way or other property necessary therefor.

SEC. 2. Section one of said act, approved April 30, 1923, is hereby amended to read as follows: Stats. 1923, p. 123, amended, Resolution extending county aid.

Section 1. The board of supervisors of any county may by resolution adopted by a four-fifths vote of the members thereof determine that the proposed establishing, laying out, opening, widening, extending, straightening, construction, improvement or altering of any street or other public way or any portion thereof within an incorporated city or extending along or across the boundary thereof or the establishing, modifying or changing the grade thereof or the separation of the grades of any two or more streets or other public ways which intersect each other or the separation of the grades of any such street or other public way and any steam, electric or street railroad crossing such street or other public way or the construction of the necessary pavements, curbs, culverts, bridges, tunnels, subways, viaducts, drainage facilities or other structures incident to or a part of such street or other public way or the acquisition by purchase, condemnation or otherwise of any lands, rights of way or other property necessary for any of the purposes hereinbefore mentioned is of general county interest and that county aid shall be extended therefor. Such resolution must refer to the proposed new or existing street or portion of street or other public way, the general nature of the improvement proposed and the nature of the aid to be furnished by the county and the fund or funds from which it is to be paid.

Thereafter and in accordance with such resolution the county may give aid in one or more of the following ways, viz, it may contribute money, acquire material and deliver the same, furnish engineering services or labor, or loan its road building machinery. The expense of such aid may be paid from one or more of the following funds, viz, the general fund, the general road fund, the fund composed of moneys received from the state pursuant to the California vehicle act or pursuant to chapter two hundred sixty-seven of statutes of 1923 or from the proceeds of any county bond issue voted for the purpose of laying out, constructing, maintaining or repairing public roads, bridges or highways or for the acquisition of lands, rights of way or other property necessary therefor or from any other fund available for such purposes. Kind of aid.
Moneys used.

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

SEC. 3. Section two of said act, approved April 30, 1923, is hereby amended to read as follows: Stats. 1923, p. 124, amended.

Sec. 2. The board of supervisors of any county in the state may by resolution adopted by a four-fifths vote declare any highway in the county, whether lying in whole or in part within an incorporated city, to be a part of the county system of highways. A copy of such resolution shall be forwarded to the governing body of the municipality within which the Making highway part of county system.

highway lies. Such governing body may consent to the establishment of such portion of such highway as lies within the limits of the city as a part of the county system of highways and upon the taking effect of an ordinance containing such consent such portion of such highway shall become and be a part of the county system of highways and shall thereafter be considered with respect to its construction, maintenance and repair a county highway and not a city street. Thereafter the board of supervisors of the county may improve such highway and maintain the same as other county highways are improved and maintained, and pay therefor out of one or more of the following funds, viz, the general fund, the general road fund, the fund composed of moneys received from the state pursuant to the California vehicle act or pursuant to chapter two hundred sixty-seven of statutes of 1923, or from the proceeds of any county bond issue voted for the purpose of laying out, constructing, maintaining or repairing public roads, bridges or highways, or from any other fund available for such purposes. *Provided, however,* that nothing herein contained shall be construed as limiting in any manner the police power of any municipality with reference to any such street or portion of street improved under the provisions of this act.

Subsequent
work thereon.

CHAPTER 104.

An act to amend sections two, four, five, ten, 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, as amended, relative to maps, to the contribution by the municipality to the expense of the improvement, the overruling of protests, condemnation proceedings, the date of valuation and the payment of compensation.

[Approved by the Governor April 30, 1925.]

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 or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the

Stats. 1921,
p. 566,
amended.

expense of such improvement," approved March 24, 1903, as amended, is hereby amended to read as follows:

Sec. 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 so to do, which said ordinance shall briefly describe the improvement and the land necessary or convenient to be taken therefor, and shall, in general terms, describe the district to be benefited by said improvement and to be assessed to pay the expense thereof, to be known as the assessment district, and refer to a plat or map, approved by the city council, which shall indicate by a boundary line the extent of the improvement and the land necessary or convenient to be taken therefor and 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 public work, and shall govern for all details as to the extent of the improvement and the land necessary or convenient to be taken therefor and as to the extent of the said assessment district. The city council may include in one proceeding, under one ordinance of intention, any of the different kinds of improvement mentioned in section one of this act, on any number of any public streets, squares, lanes, alleys, courts or places, within such municipality, or any portion or portions thereof, whether contiguous or otherwise. Said city council may, in its discretion, order and declare that the whole or any percentage of, or any sum toward the expense of said improvement be paid out of the treasury of the municipality, in which case the sum or percentage to be paid shall be stated in said ordinance of intention.

Declaration
of intention.

SEC. 2. Section four of said act approved March 24, 1903, is hereby amended to read as follows:

Stats. 1913,
p. 431,
amended.

Sec. 4. Any persons 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 cotenant sign such protest, only the proportionate share of the frontage thereof represented by his

Written
protest.

interest therein, shall be counted in determining the amount of frontage represented by such protest. The clerk shall indorse 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 meantime petition therefor, or unless at the time of hearing such protests the same shall be overruled by an affirmative vote of four-fifths of the members of the city council, in which event the decision of the city council shall be final and conclusive, and it shall immediately acquire jurisdiction to order the improvement described in the ordinance of intention.

When
majority
protests.

City deemed
owner of
frontage.

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 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.

Protest not
signed by
majority.

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 streets 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 denial, the city council shall acquire jurisdiction to order the improvement described in the ordinance of intention.

Hearing
of protests.

Further
proceedings.

SEC. 3. Section five of said act approved March 24, 1903, is hereby amended to read as follows:

Stats. 1903,
p. 378,
amended.

Sec. 5. Having acquired jurisdiction, the city council, shall, by ordinance, order said improvement to be made, and direct an action to be brought by the city attorney, in the proper superior court, in the name of the municipality, for the condemnation of the property necessary or convenient to be taken therefor. Such ordinance need not describe the property to be taken, nor the assessment district, but may refer to the ordinance of intention for all particulars.

Order for
improvement.

In the event an action has heretofore been brought by the city attorney in the name of the municipality for the condemnation of the property necessary or convenient to be taken for such improvement under authority of law prior to the adoption of the ordinance ordering the improvement to be

Pending con-
demnation
proceedings.

made, as provided in this section, then and in that event, the said ordinance ordering the improvement may refer to said action and direct the city attorney to continue prosecution of the same, and said action shall then have like effect and be in lieu of and serve all the purposes of the action herein referred to, and shall thereafter be carried on in the same manner and subject to the provisions hereinafter stated, provided that the complaint in said action shall set forth or state the effect of the ordinance of intention in such proceedings but need not set forth or state the effect of the ordinance ordering the improvement. In the event that the complaint in such action shall omit to state the effect of the ordinance of intention in such proceedings, said complaint may be amended as of course to set forth said matters at any time before trial and shall thereupon satisfy the requirement as to reference to the ordinance of intention.

Stats. 1909,
p. 1038,
amended,
Compensa-
tion and
damages.

SEC. 4. Section ten of said act approved March 24, 1903, is hereby amended to read as follows:

Sec. 10. For the purpose of assessing the compensation and damages, the right thereto shall be deemed to have accrued at the date of the issuance of summons, 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 act, *provided*, that in any case in which the issue is not tried within one year after the date of the commencement of the action, unless the delay is caused by the defendant, the compensation and damages shall be deemed to have accrued at the date of trial.

Interest.

If an order be made letting the plaintiff into immediate possession and the plaintiff shall take immediate possession upon commencing eminent domain proceedings and thereupon giving such security in the way of money deposits as the court may determine to be reasonably adequate to secure compensation to the owner, as provided in section fourteen of article one of the constitution, then the compensation and damages awarded shall draw interest at the rate of seven per cent per annum from the date of such order.

Subsequent
improve-
ments.

No improvements placed upon the property proposed to be taken, subsequent to the date of the publication of the notice of the passage of the ordinance of intention, or subsequent to the date of the filing of a notice of the pendency of an action brought for the condemnation of such property, shall be included in the assessment of compensation or damages.

The referees, or court, or jury, as the case may be, shall find separately:

Findings.

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;

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. 5. Section sixteen of said act approved March 24, 1903, is hereby amended to read as follows: Stats 1921,
p. 567,
amended.

Sec. 16. The city engineer shall deliver said diagram to the street superintendent and shall indorse 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 or sum toward the expense of said improvement, 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.

Completion
of
assessment.

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, is included within the district declared by the city council in the ordinance of intention to be the district to be benefited by said improvement, and to be assessed to pay the expense thereof, the city council may, in its discretion, in the ordinance of intention, declare that said 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 expense of said improvement. In the event that said lots, pieces or parcels of land, or any of them, shall by said ordinance be omitted from the assessment, then the total expenses of said improve- Public
lands.

ment shall be assessed on the remaining lots lying within the boundaries of said assessment district, without regard to such omitted lots, pieces or parcels of land. In the event the city council shall, in its ordinance of intention, declare that the said lots, pieces or parcels of land, so owned and in use, or any of them, shall be included within 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 the general fund, unless the city council shall in its ordinance of intention designate another fund; *provided, however*, that any such sum or sums which may be assessed against any such lots, pieces or parcels of land, so owned and used, shall not be payable by the city when such sum or sums are paid by the owner of or the governing body controlling such lots, pieces or parcels of land.

Stats. 1913,
p. 436,
amended.

Receipts
paid into
special fund.

SEC. 6. Section thirty of said act approved March 24, 1903, is hereby amended to read as follows:

Sec. 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, or the sum toward the total expense of such improvement to be paid by the city as and when so provided in the ordinance of intention.

CHAPTER 105.

An act to amend the title and section one of an act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places and sidewalks, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof and providing a method for the payment of such bonds," approved April 7, 1911, as amended, so as to permit the improvement of rights of way and property of which a municipality has possession.

[Approved by the Governor April 30, 1925.]

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

Stats. 1911,
p. 730,
amended.

SECTION 1. The title 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, is hereby amended to read as follows:

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 or of which a municipality has possession and the right of use under the provisions of section fourteen of article one of the constitution, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places, sidewalks, properties or rights of way, 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.

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

Section 1. All streets, lanes, alleys, places or courts, in the municipalities of this state now open or dedicated, or which may hereafter be opened or dedicated to public use, or any property for which an order to take immediate possession and use of a right of way thereover for a public use, has been obtained from a court of competent jurisdiction in any action in eminent domain or proceeding for the laying out, opening, extending, widening or straightening in whole or in part of any public street, square, lane, alley, court or place in compliance with the provisions of section fourteen of article one of the constitution of the State of California, shall be deemed and held to be open public streets, lanes, alleys, places or courts, for the purpose of this act, and the city council of each municipality is hereby empowered to establish and change the grades of said streets, lanes, alleys, places or courts, and fix the width thereof, and is hereby invested with jurisdiction to order to be done thereon any of the work mentioned in this act under the proceedings hereinafter described.

Stats. 1911.
p. 732,
amended.

Public
streets, etc.,
defined.

CHAPTER 106.

An act to authorize and empower legislative bodies of municipal corporations to establish, maintain, use and reimburse revolving funds in connection with or incident to the laying out, construction or improvement of streets or other public work or the acquisition of lands, rights of way or other property necessary therefor.

[Approved by the Governor April 30, 1925.]

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

SECTION 1. The common council, or other legislative body of any municipal corporation within this state, shall have

Revolving
funds for
street or
highway
purposes.

authority and power by resolution or ordinance to create and to maintain, use and reimburse, as herein provided, a revolving fund or funds in connection with and incident to proceedings had under any general laws of the state for any or all of the following purposes; viz, the establishing, laying out, opening, widening, extending, straightening, constructing, improving or altering of streets, highways, boulevards and public ways, or the establishing, modifying or changing the grade thereof, or the construction of the necessary pavements, curbs, sidewalks, culverts, bridges, tunnels, viaducts and other structures, also including the acquisition of any lands or rights of way or other property necessary for such purposes, whether the cost of any said work or improvement is to be paid for by special assessments or out of any general or special fund of the municipal corporation.

Transfer of
moneys to
revolving
funds.

SEC. 2. The legislative body of any municipal corporation shall have power and authority by resolution to order transferred to and deposited in a revolving fund or funds, as herein authorized, money from the general fund, the permanent improvement fund, general street improvement fund or any fund received from the county or state to be expended in laying out, constructing or otherwise improving or maintaining any street or other public way or to be expended in acquiring lands or rights of way therefor or from the proceeds of any municipal bonds issued either before or after the creation of such revolving fund, which proceeds may lawfully be appropriated to and expended for any of the purposes enumerated in section one hereof or from any other fund which may lawfully be appropriated to and expended for any said purposes.

Expenditures.

SEC. 3. Out of any revolving fund or funds created, as herein provided, the legislative body of the municipality shall have authority and power to appropriate any sum or sums deemed necessary, and to expend the same for any of the purposes enumerated in section one hereof, including incidental expenses thereof, or may advance money from any said revolving fund and deposit the same in court as security, upon commencing any eminent domain proceeding brought either under any law of this state or under a municipal charter or ordinance for the purpose of acquiring any lands, rights of way or other property necessary in establishing, laying out, opening, widening, extending or straightening any street or other public way, or may appropriate money out of any such revolving fund or funds and purchase at prices not exceeding the face value thereof improvement bonds or warrants representing special assessments for public improvements within such city and issued under general laws of the state, and collect and deposit in such revolving fund payments of principal and interest upon any such bonds or warrants so purchased by such revolving fund.

Advance-
ments.

Purchase of
bonds or
warrants.

Reimburse-
ment from
assessments,
etc.

SEC. 4. Whenever the legislative body of a municipal corporation shall appropriate and expend or advance any sum or sums out of any said revolving fund to pay or to secure

the payment of the cost of any street improvement or the improvement of any other public way when and as hereinbefore authorized or the cost of acquiring any lands, rights of way or other property necessary for such purposes, and the cost, either in whole or in part, of any said improvement, lands, rights of way or other property is made a lien and assessed upon property abutting upon such improvement according to frontage or according to benefits or upon property in districts according to benefits under general or special laws of the State of California and assessments are levied and collected therefor, the legislative body of the municipal corporation shall have power and authority to order that the revolving fund be reimbursed, either in whole or in part, by the deposit therein of the whole or any part of such assessments when collected, or may order that the revolving fund be reimbursed, either in whole or in part, from the proceeds of any bonds of the district benefited or bonds representing such assessments issued under the provisions of general or special laws of the State of California in an amount not exceeding the amount paid out of or advanced from such revolving fund for such improvement, or the legislative body of the municipality upon making appropriations out of and expending any moneys in such a revolving fund, as herein authorized, shall have power and authority to reimburse said revolving fund, in whole or in part, by appropriating thereto and depositing therein any money from any of the funds designated in section two hereof.

SEC. 5. The legislative body of a municipal corporation may at any time reduce or discontinue any revolving fund herein authorized and established by its order, and shall thereupon transfer the moneys therein to the funds from which the same were derived or may expend such moneys for any of the purposes provided in this act.

Reduction or
discontinu-
ance.

CHAPTER 107.

An act to amend section seventeen b of the "juvenile court law" approved June 5, 1915, as amended, relating to the filing of reports of the probation committee.

[Approved by the Governor April 30, 1925.]

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

SECTION 1. Section seventeen b of the "juvenile court law" is hereby amended to read as follows:

Sec. 17b. 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 the 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 ward of the juvenile court and to report thereon to the court; *provided*, that

Stats. 1915,
p. 1239,
amended.

Examination
of societies.

Reports.

nothing in this section shall be construed as giving any probation officer or probation committee any power to enter any institution without the consent of such institution but in the event that such consent is refused, commitments thereto shall not be made. 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, corporations and institutions, except state institutions, applying for or receiving any ward of the juvenile court 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 shall be filed for the information of said court 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 department of public welfare. It shall be the duty of the probation committee to exercise a friendly supervision and visitation over the wards of the juvenile court when so directed by the court, to furnish the court information and assistance whenever required upon the request of the court and from time to time, to advise and recommend to the court any change or modification of the order made in the case of a ward of the juvenile court as may be for the best interests of such person. Upon request of the judge any member of the probation committee shall investigate the case of an alleged ward of the juvenile court coming under the provisions of this act, and render a report thereon to the judge. 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 employes as may be needed in the efficient management of such detention home or branch detention home or homes.

Supervision
of wards.Control of
detention
home.

CHAPTER 108.

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

[Approved by the Governor May 1, 1925.]

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

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

Penalty for
setting or
causing fires
in country.

384. Any person who shall wilfully or negligently commit any of the acts hereinafter enumerated in this section shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than five hundred

dollars, or imprisonment in the county jail not more than six months, or by both such fine and imprisonment:

1. Setting fire, or causing or procuring fire to be set to any forest, brush or other inflammable vegetation growing on lands not his own, without the permission of the owner of such land.

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

3. Burning brush, stumps, logs, fallen timber, fallows, slash, or grass, brush or forest covered land or any other inflammable material or blasting with dynamite, powder or other explosives, or setting off fireworks of any kind in forest, fallows, grass or brush covered land, either on his own land or the property of another, between May 15 and October 31 of any year, unless such burning is done under a written permit from the state forester or his duly authorized agent, and in strict accordance with the terms of the permit; *provided, however*, that no written permission shall be necessary to burn inflammable material in small heaps or piles, where the fire is set on a public road, in door yard premises, corrals, gardens, or plowed fields, at a distance not less than one hundred feet from any woodland, timber, or brush covered land or field containing dry grass or other inflammable material; *and provided, also*, that there shall be at least one adult person in actual attendance and in charge of such fire at all times during its burning.

4. Setting a backfire, or causing such backfire to be set, except under the direct supervision or permission of a state or federal forest officer, unless it can be established that the setting of such backfire was necessary for the purpose of saving life or valuable property.

5. Throwing or placing any lighted cigarette, cigar, ashes or other flaming or glowing substance, or any substance or thing which may cause a fire, in any place where such lighted cigarette, cigar, match, ashes or other flaming or glowing substance, or other substance or thing, may directly or indirectly start a fire.

6. Throwing from a moving vehicle any lighted cigarette, cigar, ashes or other flaming or glowing substance, or any substance or thing which may cause a fire.

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

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

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

10. Using or operating by any person, corporation or company, between May 15 and October 31 of each year, any steam, gas, or electrically equipped donkey or stationary engine in any woods operation located in any forest or brush land without first clearing away all inflammable material, including snags, from an area of at least one hundred feet in radius about such engine, and without providing all such steam operated engines, including logging locomotives, with an adequate force pump, and not less than two hundred feet of hose of not less than one and one-quarter inches in diameter, and without providing and maintaining at all times for fire fighting purposes only a suitable box equipped with at least seven shovels and three axes at each such engine so operated. It is *provided, however*, that when two or more such engines are being operated within a distance of three hundred feet from each other, that only one such box equipped as above may be maintained; *and provided, further*, that the requirements of this section shall not apply to logging operations in the redwood (*sequoia sempervirens*) region.

11. Refusing or failing to render assistance in combatting a forest fire at the summons of the state forester, deputy state forester, assistant state forester, or any state forest inspector, state ranger, or state fire warden, unless prevented from so doing by sickness or other physical disability.

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

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

CHAPTER 109.

An act providing for and relating to damages resulting from or caused by the acquisition of a water supply or taking, diverting and transporting of water from a watershed and from the lands, streams and waters therein, to and for use in and by municipal corporations and providing for compromise, arbitration and settlement and payment of claims for any such damage and empowering and authorizing municipal corporations and persons, firms and corporations furnishing water to or for use in municipal corporations to pay, compromise, arbitrate and settle any and all damage caused, or claimed to have been caused, by the acquiring of such land or water, or the taking, diverting or transporting the same for the purposes aforesaid, fixing the time for the presentment of such claims and relating generally to such damages.

[Approved by the Governor May 1, 1925.]

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

SECTION 1. Every municipal corporation of this state, and every person, firm or corporation engaged in supplying water to any municipal corporations for municipal, domestic or other uses, who enters in or upon any watershed, or in or upon any lands, streams or waters in the watershed for the purpose of acquiring or increasing a water supply for such purpose, or for the purpose of taking, diverting or transporting water for use by or in a municipal corporation, or for the purpose of supplying the needs of any municipal corporation, or its inhabitants, with water for the uses aforesaid, shall be liable to all persons, firms and corporations, their heirs, representatives and successors, and to municipal corporations, districts and political subdivisions of this state whose property, business, trade, profession or occupation, are within or conducted or carried on within the watershed so entered as aforesaid, for all damage suffered or sustained by them or any of them, either directly or indirectly because of injury, damage, destruction or decrease in value of any such property, business, trade, profession or occupation resulting from or caused by the taking of any such lands or waters, or by the taking, diverting or transporting of water from such watershed to and for use by or in any such municipal corporation.

Municipal liability for damages to property in watersheds.

SEC. 2. Every municipal corporation in this state, and every person, firm or corporation engaged in supplying water to any municipal corporation for municipal, domestic or other uses therein, who has heretofore entered in or upon any watershed, or who has heretofore entered in or upon any lands, streams or waters within any such watershed for the purpose of acquiring or increasing a water supply for any such municipal corporation, or for the purpose of taking, diverting or transporting water therefrom, or that has heretofore, or is

Payment for past damages, etc.

now, taking, diverting or transporting water from any such watershed or from any lands, streams or waters therein, to any municipal corporation for use therein for any of the purposes aforesaid, and by reason thereof has heretofore caused, or is now causing, damage or injury to the property within such watershed, or has heretofore, or is now, causing damage or injury to the business, trade, profession or occupation of any person, firm or corporation conducted or carried on within such watershed or to any municipal corporation, district or political subdivision of this state within said watershed, is hereby authorized and empowered to pay, compromise or arbitrate any damages, or claim for damages of any such person, firm or corporation, or of their respective heirs, representatives, successors or assigns, or of any municipal corporations, districts or political subdivisions of this state, suffered or sustained, or claimed to have been suffered or sustained, or resulting from, or claimed to have resulted from, any of the acts above mentioned; *provided*, that all claims for any such damage or injury claimed to have been heretofore suffered or sustained, shall be made within two years after this act shall take effect, and the statute of limitations as to any and all such claims is hereby extended to and until two years after this act shall take effect; *provided, further*, that nothing herein contained shall be deemed to shorten the time within which an action can be brought for the recovery of damage resulting from any injury caused by any of the above mentioned acts.

Irrecoverable
damages.

SEC. 2a. Nothing in this act shall confer the right to recover damages resulting directly or indirectly by reason of the construction, operation or maintenance of any conduit, pipe line, canal, ditch, aqueduct, reservoir, power transmission line or power house.

Joinder of
claimants.

SEC. 3. Claims for damages mentioned in section two hereof may be compromised and arbitrated either singly or collectively, and it shall be lawful for any number of persons having such claims to join in an agreement to compromise or arbitrate such claims, and may agree that an award may be in an aggregate or lump sum, and it shall be lawful for the persons, or any number of them, suffering or sustaining, or claiming to have suffered or sustained any of the damages referred to in section two hereof, to appoint and empower a committee, of such number as they shall agree upon, to act for and represent them collectively and individually, and whenever any such written appointment and authorization shall be filed with any municipal corporation, person, firm or corporation, causing any such damage, such municipal corporation, person, firm or corporation with whom the same is filed, shall be empowered and authorized to negotiate with such committee for a settlement of the claims for damages of the persons so authorizing such action, and any compromise or agreement, with respect to any such damages or claim of damages, made with such committee, shall be binding upon all persons signing such authorization.

Representa-
tives.

SEC. 4. For the purpose of ascertaining the amount of any damage claimed to have been suffered or sustained by reason of any of the acts or things mentioned in paragraph one or two hereof, every municipal corporation and every person, firm or corporation causing any such damage, is hereby authorized and empowered to enter into an agreement for the arbitration or compromise of any such claim, or claims, and all of the laws of this state relating to arbitration of controversies are hereby made applicable to such claim, or claims.

Agreements to arbitrate or compromise.

SEC. 5. If any section of this act, or any part or portion of any section, shall be declared to be unconstitutional, or invalid, such unconstitutional or invalid portion shall not be deemed to affect the balance of this act, nor be grounds for invalidating the balance of this act, it being the intent of the legislature that the valid portions of this act shall remain in full force and effect, irrespective of any invalid or unconstitutional portion thereof.

Constitutionality.

SEC. 6. This act shall be liberally construed.

Construction.

CHAPTER 110.

An act to add two new sections, to be numbered fifteen c and fifteen d, to the "building and loan commission act," approved April 5, 1911, as amended, relating to building and loan associations.

[Approved by the Governor May 4, 1925.]

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

SECTION 1. A new section is hereby added to the act known as the "building and loan commission act," approved April 5, 1911, as amended, to be numbered fifteen c, and to read as follows:

Stats. 1911, p. 607, amended.

Sec. 15c. Before the articles of incorporation of any building and loan association, hereafter desiring to incorporate, under the laws of this state, shall be filed in the office of the secretary of state of the State of California, there must be attached thereto, the certificate of approval of the building and loan commissioner. Such proposed articles shall be submitted to the commissioner, and upon receipt of same, he shall immediately examine into all the facts connected with the formation of such intended corporation, including its location, and proposed incorporators. If it appears to him that such corporation, if formed, will be entitled to commence the business for which it is organized, and authorized under the law to conduct, the commissioner shall execute his certificate of approval; *provided, however,* that the commissioner may refuse to execute such certificate, if, upon his examination and investigation, he has reason to believe that the proposed corporation is to be formed for any business, other than legitimate building and loan business, or that the persons proposing to incorporate such corporation, lack the character and general fitness

Investigation by commissioner before incorporation

to engage in such business, or that the name of the proposed corporation is likely to mislead the public, as to its character or purpose, or that the name proposed for such corporation is the same as one already adopted or appropriated by any existing building and loan association in this state, or so similar thereto, as to be likely to mislead the public.

Stats. 1911,
p. 807,
amended.

SEC. 2. A new section is hereby added to the act known as the "building and loan commission act," approved April 5, 1911, as amended, to be numbered fifteen *d*, and to read as follows:

Engaging
in business
without
license.

Sec. 15*d*. No person, firm, company, association, copartnership, or corporation, either domestic or foreign, unless he or it is the lawful holder of a license, to transact business in this state, issued by the building and loan commissioner, and then in force, and is actually engaged in carrying on a building and loan business in this state, shall hereafter transact business under any name or title which contains the term "building and loan," nor use any sign or circulate or use any letterhead, billhead, circular, or paper whatever, or advertise in any manner, which indicates that his or its business is the character or kind of business, carried on or transacted by a building and loan association, or which is calculated to lead the public to believe that his or its business is that of a building and loan association. Any violation of any of the provisions of this section shall constitute a misdemeanor, punishable by a fine of not exceeding five hundred dollars, or by imprisonment in the county jail for not exceeding ninety days, or by both such fine and imprisonment. Upon action brought by the commissioner, the court may also issue an injunction, restraining any person, firm, company, copartnership, or corporation from continuing to violate any provision of this section.

Penalty.

CHAPTER 111.

An act to amend sections two, three and seventeen of the "building and loan commission act," approved April 5, 1911, as amended, relating to the salaries and expenses of the building and loan commission and the building and loan inspection fund.

[Approved by the Governor May 4, 1925.]

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

Stats. 1921,
p. 1572,
amended.

SECTION 1. Section two of the "building and loan commission act," approved April 5, 1911, as amended, is hereby amended to read as follows:

Building and
loan com-
missioner.

Sec. 2. The administration of said bureau shall be vested in a commissioner, to be known and designated as the "building and loan commissioner," who shall be appointed by the governor and commissioned to hold office at the pleasure of the governor. He must be a citizen of the state; and he must not be in any way connected with any association, corpora-

tion or society coming under his supervision. He shall appoint a chief deputy building and loan commissioner with full power as such, who must be a practical, skilled accountant, fully conversant with the building and loan systems and accounts; he shall also appoint two deputies who shall be accountants; he shall appoint a clerk, and a stenographer; he shall also have power to appoint such other temporary assistants and employees as may be necessary for the transaction of the business of his office.

SEC. 2. Section three of the "building and loan commission act," approved April 5, 1911, as amended, is hereby amended to read as follows: Stats. 1923,
p. 772,
amended.

Sec. 3. The commissioner shall receive a salary of four thousand dollars per annum. He shall, subject to the approval of the board of control, have power to fix the salaries and compensation of deputies, assistants and employees. There shall also be allowed and paid the necessary traveling expenses of the commissioner and his deputies incurred while traveling in the line of their duties. The commissioner shall procure and have an office in the city of San Francisco. Said commissioner shall also provide for such stationery, printing, postage and all other necessary expenditures as may be necessary for the proper conduct of his office. All said salaries and expenses shall be audited and paid in the same manner as the salaries and expenses of other state offices. Said salaries and expenses shall be paid from the "building and loan inspection fund." Salaries.

Office in San Francisco

SEC. 3. Section seventeen of the "building and loan commission act," approved April 5, 1911, as amended, is hereby amended to read as follows: Stats. 1917,
p. 426,
amended.

Sec. 17. The collection of all moneys assessed, as herein provided, for the payment of salaries and annual expenses, or forfeitable as fines for failure to make payment of assessment, procure licenses, or make and file reports as herein specified, and due from any such association, corporation or society coming within the provisions of this act, or imposed as a penalty for violation of any order or summons, may be enforced by the commissioner by action instituted in any court of competent jurisdiction; and all moneys collected or received by the commissioner under this act, shall be deposited with the state treasury, to be credited to a fund to be known and designated as the "building and loan inspection fund;" which said fund shall only be used in defraying the salaries and expenses provided for by this act; *provided, however*, that the commissioner shall, without at the time furnishing vouchers and itemized statements, withdraw from said fund, a sum not to exceed five hundred dollars. The sum so drawn shall be used as a revolving fund where cash advances are necessary and at any time upon the demand of the board of control, must be accounted for and substantiated by vouchers and itemized statements submitted to and audited by the board of control and the controller. Suit to collect assessments.

Building and loan inspection fund.

CHAPTER 112.

An act to provide for the accomplishment of the work of the direct improvement of the navigation of the Sacramento, San Joaquin and Feather rivers of the State of California, by controlling the floods, removing the debris and continuing the improvement of the Sacramento river, California, in accordance with the plans of the California debris commission contained in the report of said commission submitted August 10, 1910, and transmitted to the speaker of the house of representatives of the United States by the secretary of war on June 27, 1911, and printed in house of representatives document number eighty-one of the first session of the sixty-second United States congress, as modified by the report of said commission submitted February 8, 1913, approved by the chief of engineers of the United States army and the board of engineers for rivers and harbors and printed in rivers and harbors committee document number five, sixty-third United States congress, first session, in so far as said plan provides for the rectification and enlargement of river channels and the construction of weirs; and making an appropriation for such work; and providing for the continuance of such work as provided by section two of an act of the congress of the United States entitled "An act to provide for the control of the floods of the Mississippi river and of the Sacramento river, California, and for other purposes," approved March 1, 1917.

[Approved by the Governor May 4, 1925.]

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

Appropriation: flood control, etc., Sacramento river.

SECTION 1. The sum of two hundred fifty thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to be expended for controlling the floods, removing the debris, and continuing the improvement of the Sacramento river, California, in accordance with the plans of the California debris commission, contained in the report of said commission submitted August 10, 1910, and transmitted to the speaker of the house of representatives of the United States by the secretary of war on June 27, 1911, and printed in house of representatives document number eighty-one of the first session of the sixty-second United States congress, as modified by the report of said commission submitted February 8, 1913, approved by the chief of engineers of the United States army and the board of engineers for rivers and harbors and printed in rivers and harbors committee document number five, sixty-third United States congress, first session, in so far as said plan provides for the rectification and enlargement of river channels and the construction of weirs.

Purpose of act.

SEC. 2. The appropriation made by section one of this act is made in compliance with the provisions of section two of that certain act of congress of the United States entitled "An

act to provide for the control of the floods of the Mississippi river and of the Sacramento river, California, and for other purposes," approved March 1, 1917, and shall be paid to the treasurer of the United States to meet and equal an equal sum already and heretofore appropriated by the congress of the United States, conditional on the payment of an equal amount by the State of California, for the prosecution of said work pursuant to section two of said act of congress.

SEC. 3. The money hereby appropriated, when paid to the treasurer of the United States, shall be expended under the direction of the California debris commission and in such manner as it may require or approve, and as provided in section two of said act of congress; and none of the money so appropriated shall be expended in the purchase of or payment for any right of way, easement or land acquired for the purposes of said improvement.

Expenditure by California debris commission.

SEC. 4. The controller of the State of California is hereby authorized and directed, upon request of the governor, to immediately draw his warrant or warrants on the state treasury in favor of the treasurer of the United States for the amount hereby appropriated, and the state treasurer is hereby directed to pay the same.

Warrants in favor of U. S. treasurer.

SEC. 5. The legislature hereby declares that it deems it necessary for the immediate preservation of the public health and safety that this act go into immediate effect by reason of the following facts, to wit: That unless the sums of money hereby appropriated are applied immediately to the prosecution and continuance of the work pursuant to said act of congress, the sum of two hundred fifty thousand dollars already appropriated by the congress of the United States hereinbefore referred to will be forfeited and such work must cease from lack of funds therefor and the cessation of said work will greatly endanger and imperil the property and safety of landowners and citizens of this state, residing within the areas subject to overflow from the Sacramento river and its tributaries. And it is hereby declared that this act constitutes an urgency measure which, under the provisions of section one of article four of the constitution of the State of California, shall go into immediate effect.

Urgency measure.

This act shall take effect immediately.

CHAPTER 113.

An act to amend section four thousand two hundred seventy of the Political Code, relating to creation and compensation of county officers in the forty-first class.

[Approved by the Governor May 6, 1925.]

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

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

Counties of
1st class:
salaries and
fees of
officers.

4270. In counties of the forty-first class the county officers shall receive, as compensation of the services required of them by law or by virtue of their offices, the following compensation and salaries, to wit:

Clerk.

1. County clerk, three thousand dollars per annum; and in counties of this class there shall be one deputy clerk who shall be appointed by the county clerk, and who shall receive a salary of one thousand eight hundred dollars per annum, payable out of the treasury of the county at the same time and in the same manner as the salaries of county officers are paid.

Sheriff.

2. Sheriff, three thousand dollars per annum and actual traveling expenses in the pursuit or arrest of criminals, either in or out of his county; *provided*, that in counties of this class there shall be one deputy sheriff who shall be appointed by the sheriff, and who shall receive a salary of one thousand eight hundred dollars per annum, payable out of the treasury of the county at the same time and in the same manner as the salaries of county officers are paid.

Recorder.

3. Recorder, two thousand five hundred dollars per annum; and in counties of this class there shall be one chief deputy recorder who shall be appointed by the recorder and who shall receive a salary of one thousand eight hundred dollars per annum, and two deputy recorders who shall be appointed by the recorder and who shall receive a salary of one thousand two hundred dollars per annum each, payable out of the county treasury at the same time and in the same manner as the salaries of county officers are paid.

Auditor.

4. Auditor, five hundred dollars per annum.

Treasurer.

5. Treasurer, two thousand two hundred dollars per annum; and in counties of this class the treasurer shall appoint such assistants, as may be necessary for the transaction of the business of his office, whose salaries shall not in any one calendar year exceed the sum of three thousand dollars. Said salaries to be paid upon verified claims filed with and allowed by the board of supervisors.

Tax
collector.

6. Tax collector, eight hundred dollars per annum; and in counties of this class there shall be one deputy tax collector, who shall be appointed by the tax collector, and who shall receive a salary of one thousand eight hundred dollars per annum, said salary to be paid at the same time and in the same manner as the salaries of county officers are paid.

Assessor.

7. Assessor, three thousand dollars per annum; and in counties of this class there shall be one chief deputy assessor, who shall be appointed by the assessor, and who shall receive a salary of one thousand eight hundred dollars per annum, and the assessor may appoint such other deputies, as may be necessary for the proper discharge of the duties of his office, whose compensation shall not for any one calendar year exceed the sum of one thousand five hundred dollars. The salary of said chief deputy assessor shall be paid at the same

time and in the same manner as the salaries of county officers are paid, and the salaries of other deputies shall be paid upon verified claims filed and allowed by the board of supervisors.

8. District attorney, two thousand four hundred dollars per annum; and in counties of this class the district attorney shall appoint a clerk or stenographer who shall receive a salary of one thousand two hundred dollars per annum, said salary to be paid at the same time and in the same manner as the salaries of county officers are paid. Attorney.

9. Coroner, five hundred dollars per annum and the actual traveling and other expenses that he incurs while discharging the duties of his office. Coroner.

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

11. Surveyor, two thousand one hundred dollars per annum, and his actual traveling and other expenses while engaged in the performance of the duties of his office and while on the business of the county by order of the board of supervisors; *and provided*, that whenever the board of supervisors shall direct the surveyor to perform engineering or surveying work for the county he shall have the power to employ such office and field assistants as shall be necessary for the performance of such work, such office and field assistants to be paid upon verified claims filed with and allowed by the board of supervisors. The surveyor shall also be allowed his actual and necessary expenses incurred while traveling to and from and while attending the annual convention of the association of county surveyors; *provided*, that in no event shall such expense exceed the sum of fifty dollars in any one calendar year. Surveyor.

12. Superintendent of schools, two thousand four hundred dollars per annum and his actual traveling expenses in visiting the schools of his county; and in counties of this class there shall be one deputy superintendent of schools who shall be appointed by the superintendent of schools, and who shall receive a salary of one thousand two hundred dollars per annum, payable at the same time and in the same manner as the salaries of county officers are paid. The salary hereby fixed for the superintendent of schools includes compensation for his services as secretary of the board of education as provided in section one thousand seven hundred seventy of the Political Code and is in lieu of the compensation provided for his services as such secretary of the board of education. Supt. of schools.

13. Supervisor. Each supervisor shall receive one hundred dollars per month and his actual expenses when attending to the business of the county by the order of the board of supervisors and mileage at the rate of twenty cents per mile, one way, for traveling from his residence to the county seat to attend regular, special and adjourned sessions of the board of supervisors, and mileage at the rate of twenty cents per mile, one way, for all actual distances traveled by him in the performance of his duties as road commissioner. Supervisors.

Classification
of townships.

14. Classification of townships. In counties of this class the township officers shall receive the following compensation. For the purpose of fixing their compensation according to their duties, townships in counties of this class are hereby classified according to their population as follows: Townships having a population of eight thousand or more shall belong to and be known as townships of the first class; townships having a population of two thousand five hundred or more and less than eight thousand shall be known as townships of the second class; and townships having a population of less than two thousand five hundred shall belong to and be known as townships of the third class. For the purpose of determining the population of townships, the population shall be determined by the United States census taken in the year 1920.

Justices of
the peace.

15. Justices of the peace shall receive the following salaries: In townships of the first class one hundred dollars per month; in townships of the second class forty dollars per month; and in townships of the third class twenty dollars per month. Such salaries shall be paid at the same time and in the same manner as the salaries of county officers are paid. All fees received by justices of the peace shall be paid into the county treasury each month.

Constables.

16. Constables shall receive the following salaries: In townships of the first class one hundred dollars per month; in townships of the second class forty dollars per month; and in townships of the third class twenty dollars per month; and constables shall also receive their actual traveling and other necessary expenses incurred in the performance of the duties of their offices and in pursuit and arrest of criminals and in the investigation of criminal offenses; *and provided*, that said constables, for their services in civil cases, shall be entitled to retain for their own use the mileage fee in civil cases, and all other fees received by them shall be paid into the county treasury each month.

Jurors.

17. Grand jurors and jurors in the superior court shall receive for each day's attendance three dollars; for each mile actually traveled in attending court as a juror, one way, twenty-five cents. Mileage shall be paid for each time a regular empaneled jury or grand jury shall be called in separate session.

Librarian.

18. Librarian, two thousand dollars; *and provided*, said librarian may appoint such assistants as shall be necessary for the expeditious transaction of the duties of his office, and the compensation of such assistants shall be paid out of the county library fund and upon verified claims filed with and allowed by the board of supervisors, and shall not exceed in any one calendar year the sum of five thousand dollars.

Compensation
in full.

19. The compensation provided in this section shall be in full compensation, exclusive of expenses, for all services of every kind and nature rendered by the assessor, clerk, treasurer, tax collector, superintendent of schools, auditor, and

recorder, their deputies and assistants, either as officers or ex officio officers, unless in this section otherwise expressly provided; and all fees provided by section four thousand two hundred ninety of the Political Code, all fees paid to the county clerk for the issuance of fishing or hunting licenses, all naturalization fees provided to be retained by the county clerk, all inheritance tax fees provided to be retained by the treasurer, all fees for the registration of birth or death certificates, any compensation paid to any of said officers by any reclamation or drainage district, and any and all other compensation or fees provided to be retained for their own use by any of the officers in this subdivision named, shall not be so retained, but shall be received by them, and then paid into the county treasury to the credit of the salary fund; *provided, however,* that any salary, compensation or fee provided by law to be paid to any county officer as officers or ex officio officers of levee district number one in said county of Sutter, shall be retained by such officer for his own use and not be paid into the county treasury.

Disposition
of fees.

The compensation provided in this section for the treasurer and his assistants is in place of the clerk or clerks employed by reclamation or swamp-land districts and working under the direction of the treasurer as provided in section three thousand four hundred eighty and one-half of the Political Code, or any other provision of law, and it is hereby provided that the treasurer and his assistants hereby provided, shall do the work of such clerk or clerks and shall not receive any compensation therefor other than the compensation in this section provided for said treasurer.

20. The salaries of the clerk, treasurer, superintendent of schools, assessor, and recorder are hereby changed from a partial fixed salary and per diem or fee basis, to a flat salary basis, and it is hereby expressly found that the salaries fixed for said clerk, treasurer, superintendent of schools, assessor, and recorder, do not constitute an increase in the compensation for such officers.

Effect of
change to
flat salary
basis.

CHAPTER 114.

An act to amend section seven hundred thirty-six of the Political Code, relating to the salaries of the chief justice and of each of the associate justices of the supreme court.

[Approved by the Governor May 6, 1925.]

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

SECTION 1. Section seven hundred thirty-six of the Political Code is hereby amended to read as follows:

736. The annual salary of the chief justice of the supreme court and of each of the associate justices of the supreme court is ten thousand dollars. Such salaries shall be payable monthly by the state.

Salaries of
supreme
court
justices.

CHAPTER 115.

An act to amend section six hundred forty-one of the Civil Code, relating to guarantee stock surplus of building and loan associations.

[Approved by the Governor May 6, 1925.]

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

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

Guarantee
stock
surplus.

641. Profits and losses shall be apportioned at least annually, and shall be apportioned to all shares in each class at the time of such apportionment, according to the actual or book value thereof. If the guarantee capital herein provided for if any there be, together with the reserve fund, or if the reserve fund, where there be no guarantee capital, shall not equal five per cent of the outstanding loans at the time of each apportionment of profits, the directors shall set aside, as a reserve fund, not less than five per cent of the net profits accruing since the last prior apportionment, and shall continue so to do until said fund shall amount to at least five per cent of the loans in force, at which figure said fund shall thereafter be maintained. Said reserve fund shall at all times be available to meet losses arising from any source not heretofore provided to be assumed by the guarantee capital. Every such corporation having a paid-in guarantee capital stock, may provide in its by-laws, that an amount not exceeding one per cent per annum on the average loans in force, shall be set aside from and out of the net profits, at each annual distribution thereof, or a proportionate amount at each semiannual distribution, from which to declare dividends on and provide a reserve fund that shall be specially applicable thereto. At least one-tenth of the amount so set aside shall be carried to such reserve fund until the same shall amount to at least twenty-five per cent of the paid-in guarantee stock.

CHAPTER 116.

An act to amend section six hundred forty-two of the Civil Code of the State of California, relating to the withdrawing of shares of stock and investment certificates issued by building and loan associations.

[Approved by the Governor May 6, 1925.]

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

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

Withdrawals.

642. A stockholder or investor, desiring to withdraw from any such corporation or to surrender a part or all of his stock, or investment certificate, may do so by giving thirty days' notice, in writing, of his intention or desire so to do. On the expiration of such notice, he is entitled to receive the full

amount paid in upon the stock or investment certificate surrendered, exclusive of the entrance fee, together with such proportion of the earnings thereon as the by-laws may provide, or as may be fixed by the board of directors; but not more than one-half of the monthly receipts in any one month must be applied to withdrawals for that month, without the consent of the board of directors, and no stockholder must be permitted to withdraw whose stock is pledged to the corporation as security for a loan, until such loan is fully paid. All withdrawals must be paid in succession in the order that the notices of intention are given. Whenever the demands of withdrawing stockholders or investors exceed the money applicable to their payment, the notices of intention to withdraw must be registered in the order of filing and payments thereon must be made in succession, in the order that such notices were filed and registered. The board of directors may permit the withdrawal of a part of the accumulations to the credit of a stockholder or member, on shares of installment stock not issued in serial form, without thereby reducing the number of shares held by him.

CHAPTER 117.

An act to amend section three thousand six hundred eighty-one a of the Political Code, relating to the correction of any error in the assessment of land or any subsequent step in the collection of the taxes thereon.

[Approved by the Governor May 6, 1925.]

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

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

3681a. When it is found that the collection of a delinquent tax can not be enforced by reason of an error in the assessment of real estate or any subsequent step thereto in the levy, collection, publication or sale to the state thereof for delinquent taxes, the auditor and tax collector will certify the facts in the case to the board of supervisors, who will order the clerk of the board to give notice by publication and by registered mail to the party or parties to whom the property was last assessed, to appear and show cause why such property should not be reassessed.

Reassessment
of delinquent
taxes.

Said date of hearing must be set for a day which will permit of twenty-one days notice to the delinquent owner. The notice must also be printed once a week for three (3) weeks in a newspaper of general circulation in the county. This published notice may cover any parcels which are subject to the same action.

Every assessment of property made under the provisions of section three thousand six hundred twenty-seven and three thousand six hundred twenty-eight of the Political Code which is or may hereafter be adjudged to be invalid by reason of

Error in
assessment.

indefinite description any illegality, invalidity, or irregularity declared or existing in the assessment of such property, or in any of the acts thereafter performed in the levy and collection or advertisement in connection therewith from the assessment thereof to and including the deed of the property so assessed to the State of California on account of unpaid taxes due thereon 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 is hereby 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 assessment shall be made and there is hereby levied for state and county purposes or for county 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 purposes, and all the provisions of law now or hereafter provided in respect to assessment, equalization, levy and collection of taxes shall, where applicable, apply to reassessment, equalization, and relieves and collections of taxes made under the provisions of this section. Upon the assessment being remade the same shall be deemed to be in force as if it were correctly made in the beginning.

Limitation
of actions.

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 relieves and collections of taxes made under the provisions of this section.

CHAPTER 118.

An act to amend section one thousand three hundred thirteen of the Civil Code, relating to restrictions on devises for charitable uses.

[Approved by the Governor May 6, 1925.]

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

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

Restriction
on devise for
charitable
uses.

1313. No estate, real or personal, shall be bequeathed or devised to any charitable or benevolent society or corporation, or to any person or persons in trust for charitable uses, except

the same be done by will duly executed at least thirty days before the decease of the testator; and if so made at least thirty days prior to such death, such devise or legacy and each of them shall be valid; *provided*, that no such devise or bequest shall collectively exceed one-third of the estate of the testator, leaving legal heirs, and in such case a pro rata deduction from such devises or bequests shall be made so as to reduce the aggregate thereof to one-third of such estate; and all dispositions of property made contrary hereto shall be void, and go to the residuary legatee and devisee, next of kin, or heirs, according to law; *and provided, further*, that bequests and devises to the state, or to any municipality, county or political subdivision within the state, or to any state institution, or for the use or benefit of the state or any state institution, or to any educational institution which is exempt from taxation under section one *a* of article thirteen of the constitution of the State of California, or for the use or benefit of any such educational institution, are excepted from the restrictions of this section; *provided, however*, that nothing in this section contained shall apply to bequests or devises made by will executed at least six months prior to the death of a testator who leaves no parent, husband, wife, child or grandchild, or when all of such heirs shall have by writing, executed at least six months prior to his death, waived the restriction contained herein.

CHAPTER 119.

An act to amend section four thousand two hundred sixty-nine of the Political Code, relating to salaries, fees, and expenses of county officers of counties of the fortieth class.

[Approved by the Governor May 6, 1925.]

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

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

4269. In counties of the fortieth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, fees of officers.

1. County clerk. The county clerk, three thousand dollars per annum, and the said county clerk may appoint one deputy county clerk, which said office of deputy county clerk if hereby created. The salary of such deputy county clerk is hereby fixed at one thousand eight hundred dollars per annum, such salary to be paid at the same time and in the same manner as the salary of county officers are paid; *provided*, that in each year in which a new and complete or supplemental registration of voters is required by law, the county clerk shall appoint as many deputy registration clerks as may be necessary for the convenient registration of voters in the county,

which deputy registration clerks shall receive as compensation for their services the sum of ten cents per name, for each and every voter registered by them; said compensation to be paid out of the general fund of the county on presentation and filing with the board of supervisors of the county of a duly verified claim therefor, approved by the county clerk; *provided, further*, that the county clerk shall appoint one additional deputy to compile the great register, and for mailing sample ballots, at a compensation not to exceed the sum of four hundred dollars for each such registration.

Sheriff.

2. Sheriff. The sheriff, four thousand dollars per annum, and his actual traveling expenses in the pursuit of arrest of criminals either in or out of his county; *and, provided*, that in counties of this class there shall be, and is hereby created the office of undersheriff, to be appointed by the sheriff, who shall be paid a salary of one thousand eight hundred dollars per annum; which salary of said undersheriff herein provided for shall be paid out of the same fund and in the same manner and at the same times as the salaries of other county officers are paid. Said undersheriff shall receive his actual traveling expenses in the pursuit of arrest of criminals either in or out of his county.

Recorder.

3. Recorder. The recorder, one thousand five hundred dollars per annum; and the said recorder may appoint one deputy recorder, which said office of deputy recorder is hereby created. The salary of such deputy recorder is hereby fixed at one thousand five hundred dollars per annum, such salary is to be paid at the same time and in the same manner as the salary of county officers is paid.

Auditor.

4. Auditor. The auditor, one thousand five hundred dollars per annum.

Treasurer.

5. Treasurer. The treasurer, one thousand five hundred dollars per annum; and the said treasurer may appoint one deputy treasurer, which said office of deputy treasurer is hereby created. The salary of such deputy treasurer is hereby fixed at one thousand two 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.

Tax collector.

6. Tax Collector. The tax collector, one thousand five hundred dollars per annum, which shall be in full for all services as tax collector and as license collector.

Assessor.

7. Assessor. The assessor, three thousand dollars per annum. The said assessor may appoint one office deputy assessor, which said office of deputy office assessor is hereby created, who shall serve as such only during five months of each calendar year. Said office deputy assessor shall receive a salary of one hundred dollars per month, payable during the period of said services, at the same time and in the same manner as the salary of county officers are paid. The said assessor may also appoint one additional deputy assessor, who shall be designated as a "field deputy assessor," which said office of "field deputy assessor" is hereby created, who shall

serve as such only during five months of each calendar year. Said "field deputy assessor" shall receive a salary of one hundred dollars per month payable during the period of such service, at the same time and in the same manner as the salary of county officers is paid.

8. District attorney. The district attorney, three thousand dollars per annum. Said district attorney may appoint one clerk to the district attorney, which said office of clerk is hereby created. Said clerk to the district attorney shall receive a salary of one hundred dollars per month, payable at the same time and in the same manner as the salary of county officers is paid. Attorney.

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

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

11. Superintendent of schools. The superintendent of schools, two thousand seven hundred dollars per annum, and actual traveling expenses when visiting the schools of his county. The foregoing salary of the superintendent of schools shall be in full for all services rendered, including the services rendered by such superintendent of schools as a member of the county board of education. Said superintendent of schools may appoint one deputy superintendent of schools, which said office of deputy superintendent of schools is hereby created, who shall serve as such only during ten months of each calendar year. The salary of such deputy superintendent of schools is hereby fixed at seven hundred fifty dollars per annum, such salary to be paid at the same time and in the same manner as the salary of county officers are paid. Supt. of schools.

12. Surveyor. The surveyor, one thousand two hundred dollars per annum; and in addition thereto he shall receive his actual traveling and other necessary expenses incurred by him while engaged in work for the county. Surveyor.

13. Justices of the peace and constables. In Marysville township, the justice of the peace shall receive a monthly salary of one hundred fifty dollars per month, and the constable of Marysville township shall receive a monthly salary of one hundred dollars per month. Justices and constables.

The above salary shall be in full compensation of said justice of the peace and said constable in criminal cases; *provided*, that in addition to the salary herein allowed, said constable shall be paid out of the treasury of the county, his actual traveling expenses when engaged in the service of a warrant of arrest or any other paper in a criminal case.

14. Supervisors. Each member of the board of supervisors, one thousand two hundred dollars per annum, and mileage when acting as road commissioner, twenty-five cents per mile one way; *provided*, the amount of milcage shall not exceed the sum of three hundred dollars in any one year. Supervisors.

15. Jurors. In counties of this class grand jurors and trial jurors in the superior court shall each receive for each day's Jurors.

attendance the sum of three dollars, and mileage to be computed at the rate of fifteen cents per mile for each mile actually and necessarily traveled from their residences to the county seat, in going only. Such fees and mileage shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the superior court in said county.

Effect
of act.

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

CHAPTER 120.

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

[Approved by the Governor May 11, 1925.]

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

Lands
granted to
Chula Vista.

SECTION 1. There is hereby granted in trust to the city of Chula Vista, 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 all the tide and submerged lands in San Diego bay, lying and being between the line of mean high tide fronting on such city, and the pier head line in said bay as the same has been established by the federal government, and between the northern and southern boundary lines of the said city of Chula Vista.

Use of lands.

SEC. 2. The 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 wharfs, 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 lien 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 wharfs and other public uses and purposes, and may lease said lands or any part thereof for a period of not exceeding fifty years for purposes consistent with the trusts upon which said lands were held by the State of California, and with the requirements of commerce and navigation in said harbor, and upon such other terms and conditions as said city may determine, and may terminate the

Franchises
and leases.

same on such terms and conditions as may be stipulated in the said lease or leases.

This grant shall carry the right to such city for the rents, issues and profits in any manner hereafter arising from the lands or wharfing-out privileges hereby granted. ^{Rents and profits.}

SEC. 3. The State of California shall have at all times the right to the reasonable use without charge of all wharfs, docks, piers, slips, quays, and other improvements constructed on said lands or any part thereof, for any vessel or other water craft, owned or operated by the State of California. ^{Use by state.}

SEC. 4. There is hereby reserved to the people of the State of California the right to fish in the waters on which said lands may front, with the right of convenient access to said waters over said lands for said purposes. ^{Right to fish.}

CHAPTER 121.

An act providing for the leasing of tide and submerged lands of the State of California filled in through dredging operations.

[Approved by the Governor May 11, 1925.]

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

SECTION 1. All tide and submerged lands lying north of subdivisions originally abutting on the mean high tide lines of the south shore of Newport bay which have been filled in through dredging operations shall be subdivided and leased by the state surveyor general at a rental and on terms to be fixed by the state board of control and the surveyor general. Said subdivision shall be so laid out that the present streets and lots will be extended north to the south pierhead line of Newport bay. ^{Lease of lands abutting Newport bay.}

In the lease of said lands the preference right to lease shall be given to the abutting property owners for a period of six months from the date this act becomes effective.

All money received from the rental of said lands shall be paid into the general fund of the state. The surveyor general is hereby authorized to prepare, make, execute and deliver all papers, instruments and documents and to do any and all things necessary to carry out the provisions of this act.

CHAPTER 122.

An act to amend section three thousand four hundred fifty-four of the Political Code, relating to swamp and overflowed, salt marsh and tidelands.

[Approved by the Governor May 11, 1925.]

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

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

3454. (a) Said board of trustees shall have powers and duties as follows, to wit: ^{Powers of trustees.}

Office. (1) To keep an office in or near the district for the transaction of the business thereof, and the books, maps, papers, records, contracts, and all other documents pertaining to the affairs of the district must be open to inspection at all times by any person interested.

Inspection of records.

President. (2) To elect one of its members president of said board of trustees.

Secretary. (3) To elect one of its members or any other person secretary of said board of trustees. It shall be the duty of the secretary to have charge of the office of the board of trustees and to keep the minutes of all meetings and to attest all documents requiring the signature of the president and to keep true and accurate accounts of all expenditures made in behalf of said district, which accounts, and all contracts that may be made by the said board of trustees shall be open to the inspection of the board of supervisors and every person interested.

Money from reclamation board. (4) To receive from the reclamation board any money allowed on account of uncollected assessments previously levied on lands purchased by said board for rights of way, and to distribute said money among the landowners of said district in proportion to their payments on the last assessment roll or place the same in the county treasury to the credit of said district.

Revolving fund. (5) To create by order duly entered in the minutes of the board of trustees a revolving fund. No warrant for creation or replenishment of this fund shall be paid by the county treasurer unless a bond in double the amount of said fund, signed by the members of the board of trustees with sureties and conditioned as security for the safety and proper disbursements of said fund, approved by the board of supervisors, shall be on file with the county treasurer. Said fund shall be disbursed by checks or drafts, signed by at least two members of the board of trustees, or some person by unanimous vote of the board of trustees authorized to do so. The board of trustees shall within thirty days after any payment from this fund file the vouchers therefor in the office of the county treasurer retaining a duplicate thereof in the office of the secretary of the board of trustees. The board of trustees shall have authority by order entered in the minutes of said board to issue warrants for the creation and replenishment of said fund. No warrant for the replenishment of said fund shall be approved by the board of supervisors or paid by the county treasurer, except to the extent that proper vouchers for previous legal disbursements from said fund have been filed with the county treasurer as hereinbefore provided. Said fund shall not exceed the sum of two thousand dollars. The order creating said revolving fund must receive the unanimous vote of the board of trustees.

Improper disbursements. Any landowner within the district may maintain an action for the benefit and in behalf of the reclamation district in the superior court of the county in which the district, or any

part thereof is situated against any member or members of the board of trustees for any improper disbursement of the funds of the district made with his or their consent and also against the members of the board of trustees and their sureties upon the said bond for any improper disbursement from said revolving fund.

(6) To employ engineers and others to survey, plan, locate and report on the works necessary for the reclamation of the lands of the district, and estimate the cost thereof; thereafter, at any time, modify or change such original plan or plans, or adopt new, supplemental, or additional plan or plans, when, in its judgment, the same shall become necessary. Engineers,
etc.

(7) To acquire by purchase, condemnation, gift, or other legal means, whatever real property, rights of way, materials, or labor that it shall deem necessary for the construction of the works of reclamation or necessary or useful in connection with carrying out the original plan or plans of reclamation or any supplemental or additional plan of reclamation. Rights of
way, etc.

(8) To acquire by purchase, condemnation, gift, or other legal means, such drains, canals, sluices, bulkheads, water gates, levees, embankments, pumping plants, and to purchase, construct, or otherwise acquire, maintain, and keep in repair all things reasonably necessary or convenient for the reclamation of the lands embraced in said district either within or without the boundaries of the district. Canals,
sluices, etc.

(9) To employ such labor and to purchase and operate or hire such tools, machinery, material and equipment and to make and enter into such contracts and agreements as they shall deem necessary in order to accomplish the proper construction, maintenance, repair or operation of the works of reclamation of the said district. Labor and
machinery.

(10) To sell, convey, transfer, lease to others or otherwise dispose of such real or personal property belonging to the said district which said board of trustees shall find no longer necessary for the construction, maintenance or operation of the works of reclamation of said district; also to lease to others or to operate for hire any tools or machinery belonging to the said district which is not at the time needed by the district. Disposal
of property.

(11) To commence proceedings in the superior court of the county where the greater portion of the district is situated to determine the legality of the existence of such district in the manner provided by section three thousand four hundred fifty-three of this code. Legality of
district.

(12) To distribute, among the landowners of the district, after having first provided by order duly entered in their minutes, any funds in the treasury belonging to said districts and not needed for the purposes of reclamation, such distribution to be made among the several landowners in the said district in proportion as said owners were assessed on the last assessment made by said district. Distribution
of surplus
funds.

- Report of plans.** (13) To report to the supervisors every original plan, and every new, supplemental or additional plan for the reclamation of the lands within said district in the manner provided by section three thousand four hundred fifty-five of this code.
- Cancellation of warrants.** (14) To cancel all warrants of the district not paid within four years after date of issuance unless the payment thereof is extended in the manner provided by section three thousand four hundred fifty-seven of this code.
- Collection of assessments.** (15) To perform such duties with respect to the collection of assessments as is provided by section three thousand four hundred sixty-six of this code.
- Bond elections.** (16) To perform such duties with respect to the calling of bond election and the issuance of bonds as is provided in section three thousand four hundred eighty.
- Reapportionment of assessments.** (17) To reapportion the assessment or assessments upon any tract of land that has been subdivided into smaller parcels in such manner as will charge each of said smaller parcels with a just proportion of the assessment or assessments previously made upon said tract so subdivided, in the manner provided by section three thousand four hundred sixty hereof.
- Supervision over works.** (18) To exercise a general supervision and complete control over the construction, maintenance and operation of the works of reclamation and generally over the affairs of the district.
- Seal.** (19) To provide a seal which shall contain the number of the district and the county in which the lands or the greater portion thereof are located and all documents requiring the approval by the board of trustees shall hereafter bear the seal of the district.
- General powers.** (20) And to do and perform all acts and things which the said trustees may deem advisable, necessary or convenient for constructing, maintaining, or operating the works of reclamation, or accomplishing the purposes for which said reclamation district was formed.
- Compensation.** (b) The several members of the board of trustees shall each be entitled to receive such compensation for services actually and necessarily performed as the said board of trustees may determine to be just and reasonable, and shall be reimbursed for such expenses as they may necessarily incur in the performance of their said duties as trustees. All claims by or in behalf of trustees for services rendered or expenses incurred shall be presented to the board of trustees, and if allowed shall be paid in the same manner as other indebtedness of the district, but no warrants drawn in favor of a trustee shall be valid until approved by the board of supervisors of the proper county. No trustee shall be disqualified from participating in any and all proceedings of the board of trustees, excepting that he shall not cast the deciding vote upon a motion or resolution awarding a contract in favor of himself or in which he is directly or indirectly interested.

(c) All meetings of the board of trustees at which all trustees are present or of which all members of the said board of trustees shall have received notice in writing of such meeting at least one day prior to the time set for such meeting to convene shall be deemed a regular meeting at which any business may be transacted.

CHAPTER 123.

An act to amend section seven of an act entitled "An act to be known as the child labor law, and regulating the employment, hours, kinds and conditions of labor of children; providing for the administration and enforcement of the provisions of this act by the commissioner of the bureau of labor statistics, providing penalties for the violation hereof and repealing all acts and parts of acts inconsistent herewith," approved May 10, 1919, relating to the penalty for violating the act, disposition of fines, reports and evidence as to illegal employment, so as to make proof that any defendant was the manager or superintendent of any place of employment subject to the provisions of the act at the time any minor is alleged to have been employed therein in violation thereof prima facie evidence that the said defendant employed and suffered and permitted the said minor to so work and to make the sworn statement of the commissioner of the bureau of labor statistics or his deputies or agents as to the age of any child affected by this act, prima facie evidence of the age of such child.

[Approved by the Governor May 12, 1925.]

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

SECTION 1. Section seven of an act entitled "An act to be known as the child labor law, and regulating the employment, hours, kinds and conditions of labor of children; providing for the administration and enforcement of the provisions of this act by the commissioner of the bureau of labor statistics, providing penalties for the violation hereof and repealing all acts and parts of acts inconsistent herewith," approved May 10, 1919, is hereby amended to read as follows:

Stats. 1919,
p. 419,
amended.

Sec. 7. Any person, firm, corporation, agent, or officer of a firm or corporation, employing either directly or indirectly through the instrumentality of one or more contractors or other third persons, or any parent or guardian of a minor affected by this act, who violates or omits to comply with any of the provisions hereof, or who employs or suffers or permits any minor to be employed in violation thereof, is guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not less than fifty dollars, nor more than two hundred dollars, by imprisonment in the county jail for not more than sixty days, or by both such fine and imprisonment for each and every offense.

Penalty.

Prima facie
evidence.

A failure to produce any permit or certificate either to work or to employ or to post any notice required by this act shall be prima facie evidence of the illegal employment of any minor whose permit or certificate is not so produced or whose name is not so posted, and proof that any defendant was the manager or superintendent of any place of employment subject to the provisions of this act at the time any minor is alleged to have been employed therein in violation thereof, shall be prima facie evidence that the said defendant employed and suffered and permitted the said minor to so work. The sworn statement of the commissioner of the bureau of labor statistics or his deputies or agents as to the age of any child affected by this act shall be prima facie evidence of the age of such child. 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 as are imposed and collected as the result of prosecutions by the officer of the bureau of labor statistics, in which 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. All reported violations of the provisions of this act, whether prosecuted or not, must be reported in writing immediately after their occurrence by the state bureau of labor statistics to the state board of education. Such report shall state the name and address of the person or corporation charged with such violation, the nature of such charge and the name, age and address of the minor or minors affected thereby, and shall be followed, at least once in every six months, to wit, on or before January tenth, and on or before July tenth of each year, by a written summary of all violations of the provisions of this act which have occurred during the preceding period of six months.

Disposition
of fines.

Reports to
state board
of education.

CHAPTER 124.

An act to amend section three of an act entitled "An act to provide for and regulate municipal elections in cities of the fifth and sixth class," approved May 27, 1919, as amended, relating to election precincts.

[Approved by the Governor May 12, 1925.]

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

Stats. 1919,
p. 929,
amended.

SECTION 1. Section three of an act entitled "An act to provide for and regulate municipal elections in cities of the fifth and sixth class," approved May 27, 1919, as amended, is hereby amended so as to read as follows:

Precincts.

Sec. 3. The voting precincts for such general municipal election shall consist of a consolidation of any two or more of the regular election precincts last established for state or

county election purposes; *provided, however*, that in the event that any election submitting the proposition of incurring indebtedness, or the issuance of bonds, or the determining of any question authorized by law to be submitted to vote of the people of such municipality, shall be consolidated with any regular state or county election, then the voting precincts for such special municipal election shall be the same as those established for such state or county election.

CHAPTER 125.

An act to amend section four thousand two hundred forty-eight of the Political Code, relating to the salaries, fees and expenses of officers in counties of the nineteenth class.

[Approved by the Governor May 12, 1925.]

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

SECTION 1. Section four thousand two hundred forty-eight of the Political Code 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, fees and expenses, to wit:

Counties of
19th class:
salaries and
fees of
officers.

1. The county clerk, three thousand six hundred dollars per annum, and such fees as are allowed by law for issuing hunting and fishing licenses, and for the naturalization of persons desiring to become citizens; also five hundred dollars additional per year for the registration of voters. He shall also be allowed to appoint one chief deputy, which office of chief deputy is hereby created, who shall receive as compensation the sum of two thousand one 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 to appoint one copyist, which office of copyist is hereby created, who shall receive as compensation the sum of one thousand five 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 deputies, 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.

Clerk.

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 one thousand five hundred dollars per annum, an undersheriff at a salary of two thousand one hundred dollars per annum, a deputy jailer at a salary of one thousand eight hundred dollars per annum, who shall act as a jailer for the county jail, and a deputy jailer at a salary of two thousand dollars per annum, 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 other county officers are paid.

Recorder.

3. The recorder, three thousand 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 two thousand one 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 one thousand five 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, three thousand dollars and such fees as are allowed by law. The auditor shall also be allowed one deputy, which office of deputy auditor is hereby created, who shall receive as compensation the sum of two thousand one hundred dollars per annum. In addition to said deputy the county auditor shall have the right to employ from time to time in his office such additional assistants as may be required to promptly perform the work required to be done therein. Such assistants shall receive a salary not to exceed five dollars each for each day they are actually and necessarily employed and not to exceed the sum of six hundred dollars in any one year. The deputy and assistants herein provided for shall be paid by said county at the same time and in the same manner and out of the same fund as the salary of the auditor is paid.

Treasurer.

5. The treasurer, three thousand 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 two thousand one hundred dollars per annum, payable out of the same fund and in the same manner as the salaries of other county officers are paid.

Tax collector.

6. The tax collector, three thousand dollars per annum and his actual and necessary expenses when engaged in the collection of taxes in the various townships of the county; *provided, however*, such expenses shall not in any one year exceed the sum of one hundred dollars. He shall also be allowed one deputy, which office of deputy tax collector is hereby created, who shall receive as compensation the sum of two

thousand one hundred dollars per annum, payable out of the same fund and in the same manner as the salaries of the other county officers are paid. In addition to said deputy, the county tax collector, shall have the authority to employ from time to time in his office one additional assistant as may be required to promptly perform the work necessary therein. Said assistant shall receive a salary not to exceed five dollars per day and not to exceed the sum of seven hundred fifty dollars (\$750) in any one year. The deputy and assistant herein provided for shall be paid by said county at the same time and in the same manner and out of the same fund as the salary of the tax collector is paid.

7. The assessor, four thousand dollars per annum, and his ^{Assessor.} actual and necessary traveling expenses, when engaged in assessing the properties of his county; *provided*, such traveling expenses shall not in any one year exceed the sum of two hundred dollars. He shall also be allowed one deputy which office of deputy is hereby created, who shall receive as compensation two thousand one hundred dollars per annum, and one office deputy for the months of March, April, May and June each year which office of deputy is hereby created, who shall receive as compensation one hundred dollars per month during the months of March, April, May and June of each year. The salaries of which deputies payable out of the same fund and in the same manner as the salaries of other county officers are paid, and such additional deputies and clerks as the assessor may appoint, at a salary not to exceed five dollars per day each, not to exceed one thousand dollars per annum, said additional deputies and clerks to be paid for their services on the presentation and filing with the board of supervisors of said county, duly verified claims therefor. The assessor shall also receive six per cent of all personal property taxes collected by him and all fees and commissions allowed him by law for collection of poll taxes and preparation of roll of persons subject to military duty.

8. The district attorney, three thousand dollars per ^{Attorney.} 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, the sum of two thousand four 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 other county officials are paid. He shall be allowed one stenographer which office of stenographer is hereby created, who shall receive as compensation one thousand five hundred dollars per annum, payable out of the same fund and in the same manner as the salaries of other county officers are paid.

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

Public
adminis-
trator.
Supt. of
schools.

10. The public administrator, eight hundred dollars per annum.

11. The superintendent of schools, three thousand dollars per annum and traveling expenses while visiting and examining schools and school properties of the county and in performing such other duties as are incident to the full discharge of the requirements of the office of the superintendent of schools; *provided*, the superintendent of schools may appoint one deputy which office of deputy is hereby created, who shall receive as compensation the sum of one thousand eight hundred dollars per annum, payable at the same time and in the same manner as the salaries of other county officers are paid.

Surveyor.

12. The surveyor, three thousand dollars per annum and in addition thereto all necessary expenses, such as transportation and pay for help which may be necessary for the performance of county duties. He shall also be allowed to appoint one clerk, which office of clerk is hereby created and who shall receive as compensation the sum of one thousand five hundred dollars per annum.

Justices of
the peace.

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 townships having a population of six thousand or more, one hundred fifty dollars per month; in townships having a population of one thousand five hundred and less than six thousand, one hundred dollars; in townships having a population of one thousand and less than one thousand five hundred, thirty dollars; in townships having a population of five hundred and less than one thousand, twenty 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 and fees collected by him in criminal and civil cases as provided for by law.

Constables.

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 twenty-five dollars; in townships having a population of one thousand five hundred and less than one thousand eight hundred, eighty dollars; in townships having a population of one thousand and less than one 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 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.

15. Each member of the board of supervisors, one thousand two hundred dollars per annum for all services rendered including mileage and including services as road commissioners; *provided*, that when required to go on business to any point outside of the county, they shall be allowed actual expenses. Supervisors.

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. Board of education.

17. Sections one, two, three, four, five, six, seven, eight, eleven, twelve, thirteen, 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. In effect, when.

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 the county clerk, sheriff, auditor, assessor, coroner, and constables, shall each be allowed the fees and commissions as provided for in subdivisions one, two, four, seven, nine, and fourteen, respectively, of this act. Full compensation.

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

CHAPTER 126.

An act to add a new section to the Political Code, to be numbered three thousand seven hundred seventy-nine, relating to certain unclaimed tax sale moneys.

[Approved by the Governor May 12, 1925.]

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

SECTION 1. A new section is hereby added to the Political Code, to be numbered three thousand seven hundred seventy-nine, and to read as follows:

3779. Any moneys heretofore paid to the county treasurer for the use of purchasers of state liens for uncollected taxes, under section three thousand seven hundred seventy-nine of Transfer of unclaimed moneys.

the Political Code as it existed prior to its repeal in 1895, and remaining unclaimed by or unpaid to such purchasers at the time this act takes effect, may be transferred to the general fund, for the use and benefit of the county, upon an order to that effect by the board of supervisors.

CHAPTER 127.

An act to amend section nineteen f of the "juvenile court law," approved June 5, 1915, as amended, relating to the salaries of the probation officer and assistants and clerks in counties of the seventh class.

[Approved by the Governor May 18, 1925.]

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

Stats. 1923,
p. 781.
amended.

SECTION 1. Section nineteen f of the "juvenile court law," approved June 5, 1915, as amended, is hereby amended to read as follows:

Counties of
7th class:
salaries of
probation
officers.

Sec. 19f. In counties of the seventh class there shall be one probation officer and two assistant probation officers. The salaries of such officers shall be as follows: Probation officer, two thousand seven hundred dollars per annum; one assistant probation officer, two thousand two hundred twenty dollars per annum; and one assistant probation officer, one thousand nine hundred eighty dollars per annum.

CHAPTER 128.

An act to provide for the transportation of certain dependent children for whom proper homes are offered outside the state and making an appropriation therefor.

[Approved by the Governor May 14, 1925.]

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

Appropriation:
transportation of
orphans, etc.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of one thousand five hundred dollars, or so much thereof as may be necessary, to be used by the board of control during the seventy-seventh and seventy-eighth fiscal years for the purpose of transporting to proper homes without the state, when such homes are offered, minor orphans, half-orphans, abandoned children, or children of a father who is incapacitated for gainful work by permanent physical disability or who is suffering from tuberculosis in such a stage that he can not pursue a gainful occupation; *provided*, that the county from which the children are removed shall pay one-half of the total expense necessarily incurred by the state in effecting such transportation.

CHAPTER 129.

An act authorizing the transfer of all funds collected by any of the county treasurers of the State of California on assessments of the Sacramento drainage district, by said county treasurers to the reclamation board to vest in the Sacramento and San Joaquin drainage district, and authorizing the expenditure of said funds for the benefit of the Sacramento and San Joaquin drainage district for general administrative purposes.

[Approved by the Governor May 14, 1925.]

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

SECTION 1. All money heretofore or hereafter collected by any of the county treasurers of the State of California, being assessment or assessments of the defunct Sacramento drainage district, and now or hereafter unexpended in the hands of said county treasurers, shall vest forthwith in the Sacramento and San Joaquin drainage district, and the county treasurers of the State of California are authorized and directed to pay said money over to the reclamation board of the State of California for the benefit of the Sacramento and San Joaquin drainage district, and said money, when paid over to the reclamation board, shall be expended by it for general administrative purposes of the Sacramento and San Joaquin drainage district.

Sacramento
drainage
district:
disposition
of funds.

CHAPTER 130.

An act to amend section fourteen of an act entitled "An act to regulate the examination of applicants for license and the practice of those licensed, to treat diseases, injuries, deformities, or other physical or mental conditions of human beings; to establish a board of medical examiners, to provide for their appointment and prescribe their 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 14, 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, as amended, said amendments adding subdivisions first a, fifth a, fifth b, and fifth c, setting forth additional causes for revocation of licenses or certificates issued hereunder.

[Approved by the Governor May 14, 1925.]

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

SECTION 1. Section fourteen of an act entitled "An act to regulate the examination of applicants for license and the

Stats. 1921,
p. 1012,
amended.

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 14, 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, as amended, is hereby amended to read as follows:

Unprofessional
conduct of
applicant.

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 citation 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.

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 manner hereinafter provided or whenever a certificate has been procured by fraud or misrepresentation or issued by mistake or that the certificate upon which a reciprocity certificate has been issued was 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 the board and the board shall have power to suspend the right of the holder of said certificate to practice for a period not exceeding one year or to place the holder of said certificate upon probation or suspend judgment in such cases or revoke his certificate, or take such other action in relation to the punishment of the holder of said certificate as in its discretion it may deem proper. 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, "The 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

Revocation
of certificate
for unpro-
fessional
conduct.

Review by
superior
court.

the proceedings of said board in the matter of said suspension or revocation; *provided, further*, that the holder of any certificate which has been revoked or suspended by the board of medical examiners, may within twenty days after receiving notice of said revocation or suspension of his said license, apply for a writ of review to the superior court of the State of California in the county or city and county in which such suspension or revocation was made by the board of medical examiners. Upon such application for writ of review being taken by such person whose license has been revoked or suspended by the board of medical examiners in accordance with the provisions of this act, the said superior court shall have full power to review all of the proceedings and testimony taken in said hearing before the board of medical examiners, and to inquire into the sufficiency of the evidence upon which such suspension or revocation was made. If the court finds the evidence sufficient to sustain the judgment of the board, said judgment shall be upheld and affirmed, and if the court deems such evidence insufficient to justify the judgment of the board of medical examiners in revoking or suspending the license of the petitioner, said superior court shall have full power to annul or reverse said judgment. The words "unprofessional conduct" as used in this act, are hereby declared to mean:

Unpro-
fessional
conduct.

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

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

Second—The wilful 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 reestablished if suppressed.

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

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

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

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

Sixth—Habitual intemperance or excessive use of cocaine, opium, morphine, codeine, heroin, alpha eucaine, beta eucaine, novocaine or chloral hydrate or any of the salts, derivatives or compounds of the foregoing substances or the prescribing, selling, furnishing, giving away or offering to prescribe, sell, furnish, or give away such substances to a habitue who is not under the direct personal and continuous treatment and care of the physician for the cure of the above mentioned drugs.

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

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

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 any disease of the sexual organs; 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 any certificate or any letter, letters, word, words, or term or terms used either as prefix or affix or suffix indicating that such certificate holder is entitled to practice a system or mode of treating the sick or afflicted for which he was not licensed in the State of California.

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

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

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

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

Sixteenth—The certificate issued herein for the practice of midwifery may be revoked for a failure to refer to a licentiate under this act or any preceding act in the State of California licensed to practice a system including obstetrics, a case which during pregnancy has, or develops any of the following conditions: A contracted pelvis or other deformity that will interfere with labor; bleeding from the uterus; swelling of the face and hands; excessive vomiting; persistent headache; dimness of vision; convulsions; or for failure to call or summons a physician if any of the following conditions exist or develop at the beginning of or during labor: Complicated presentation of a vertex (head); convulsions, excessive bleeding; prolapse of the cord; a swelling or tumor that obstructs the birth of the child; signs of exhaustion or collapse; unduly prolonged labor; or the failure to refer to a licentiate in this act or any preceding act in the State of California licensed to practice a system including obstetrics, a case, which during the lying-in period, develops the following conditions: Convulsions; excessive bleeding; foul smelling discharge (lochia); persistent rise of temperature to one hundred one degrees Fahrenheit for twenty-four hours; swelling and redness of the breasts; severe chill (rigor) with rise of temperature; inability to nurse the child; or for a failure to refer to a licentiate under this act or any preceding act in the State of California licensed to

practice a system including obstetrics, a case where the child has or develops any of the following conditions: Deformities or malformations or injuries; inability to suckle or nurse; inflammation around or discharge from the navel; swelling and redness of the eyelids with a discharge of pus from the eyes (ophthalmia neonatorum); bleeding from the mouth, navel or bowels, inability to urinate.

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

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

CHAPTER 131.

An act to appropriate money to be used to augment, develop and improve the water supply and the water system of the Whittier State School.

[Approved by the Governor May 14, 1925.]

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

SECTION 1. The sum of thirteen thousand two hundred ninety-eight dollars and forty-six cents remaining from an appropriation made by an act entitled "An act appropriating money to augment, develop and improve the water supply and the water system of the Whittier State School," approved May 24, 1921, is hereby reappropriated to be used for the completion of the development and improvement of the water system at the Whittier State School.

Appropriation:
Whittier
State School
water supply.

CHAPTER 132.

An act authorizing the board of control to dispose of certain lands in Los Angeles county and apply the proceeds to the purchase of other lands in said county.

[Approved by the Governor May 14, 1925.]

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

SECTION 1. The board of control is hereby authorized to sell at private or public sale a portion of the lands belonging to the State of California situated in the county of Los

Sale of part
of Pacific
Colony tract.

Angeles and known as the Pacific Colony tract. Said board is further authorized to apply the proceeds of such sale to the purchase of other lands adjoining the said "Pacific Colony tract" on the southern portion thereof.

CHAPTER 133.

An act to provide for the reversion of unexpended balances of certain appropriations and funds of the superintendent of capitol buildings and grounds revolving fund.

[Approved by the Governor May 14, 1925.]

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

Supt. of
capitol
revolving
fund balance
reverted.

SECTION 1. The sum of six thousand two hundred eighteen and thirty-three one-hundredths dollars, remaining unexpended in the fund created by an act entitled "An act making an appropriation to provide the superintendent of capitol buildings and grounds with a revolving fund for the purchase of stationery and office supplies for legislative and state offices," shall revert to and become a part of the unappropriated moneys in the general fund of the State of California.

CHAPTER 134.

An act to provide for the reversion of unexpended balances of certain appropriations and funds of the nautical school at San Francisco.

[Approved by the Governor May 14, 1925.]

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

Nautical
school fund
balance
reverted.

SECTION 1. The sum of twenty four thousand nine hundred fifty seven and ten one-hundredths dollars, remaining unexpended in the appropriation and fund created by an act entitled "An act making an appropriation to carry out the provisions of an act entitled 'An act to establish a nautical school at the port of San Francisco, to provide for the conduct and maintenance thereof, to make an appropriation therefor, and to authorize the governor to request and to receive aid from the United States in compliance with the provisions of an act of congress, approved March 4, 1911,' approved May 14, 1917," shall revert to and become a part of the unappropriated moneys in the general fund of the State of California.

CHAPTER 135.

An act to provide for the reversion of unexpended balances of certain appropriations and funds in the textbook royalty fund.

[Approved by the Governor May 14, 1925.]

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

SECTION 1. The sum of three hundred forty and forty-three one-hundredths dollars, remaining unexpended in the fund created by chapter one hundred seventy-three of the statutes of 1903 shall revert to and become a part of the unappropriated moneys in the general fund of the State of California.

Textbook
royalty fund
balances
reverted.

CHAPTER 136.

An act to provide for the reversion of unexpended balances of certain appropriations and funds of the California irrigation board revolving fund.

[Approved by the Governor May 14, 1925.]

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

SECTION 1. The sum of four thousand eight hundred forty dollars, remaining unexpended in the fund created by an act entitled "An act creating a cash revolving fund for the use of the California irrigation board and making an appropriation therefor," shall revert to and become a part of the unappropriated moneys in the general fund of the State of California.

California
irrigation
board revolving
fund
balance
reverted.

CHAPTER 137.

An act to provide for the reversion of unexpended balances of certain appropriations and funds of the Sacramento drainage district fund.

[Approved by the Governor May 14, 1925.]

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

SECTION 1. The sum of one hundred forty and seventy-three one-hundredths dollars, remaining unexpended in the appropriation and fund created by an act entitled "An act amendatory of an act entitled 'An act to create a drainage district to be called "Sacramento drainage district"; to promote drainage therein; to provide for the election and appointment of officers of said drainage district; defining the powers, duties and compensations of such officers and providing for the creation, division and management of reclamation, swamp land, levee, drainage and protection districts within said

Sacramento
drainage
district fund
balance
reverted

Sacramento drainage district, and providing for levying and collecting assessments upon the lands within said drainage district' approved March 20, 1905, by amending section twenty-nine thereof and making an appropriation of twenty-five thousand dollars, to carry out the purposes of said act," approved March 23, 1907, shall revert to and become a part of the unappropriated moneys in the general fund of the State of California.

CHAPTER 138.

An act to provide for the reversion of unexpended balances of certain appropriations and funds of the Panama-California exposition commissioners.

[Approved by the Governor May 14, 1925.]

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

Panama-California international exposition fund balance reverted.

SECTION 1. The sum of eleven and eighty-eight one-hundredths dollars, remaining unexpended in the fund created by the two certain acts 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 exhibition and making an appropriation therefor," and "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," shall revert to and become a part of the unappropriated moneys in the general fund of the State of California.

CHAPTER 139.

An act to amend sections two, five and one-half, and eight of an act entitled "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, as amended, relative to registration of nurses.

[Approved by the Governor May 14, 1925.]

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

SECTION 1. Section two of an act entitled "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, as amended, is hereby amended to read as follows:

Stats. 1921,
p. 981,
amended.

Sec. 2. Examinations as provided for in this act shall be held at least every six months, at such times and places as the board shall direct and according to the rules and regulations of said board. Public notice of such examinations shall be given by publishing the same at least two weeks prior to the date of such examination in two or more papers of general circulation and one nursing journal, to be selected by the board. All of said papers and said nursing journal shall be published within the State of California. Upon filing application for examination, each applicant shall pay an examination fee of ten dollars for certificate as registered nurse, which shall in no case be returned to the applicant. No further fee shall be required for certificate.

Examina-
tions.

Sec. 2. Section five and one-half of said act approved June 12, 1913, as amended, is hereby amended to read as follows:

Stats. 1921,
p. 982,
amended.

Sec. 5½. On or after January first of each year, each registered nurse shall renew his or her certificate and pay the required renewal fee of one dollar. Every certificate that is not renewed will expire on the first day of March of each year and may not be renewed except upon the payment of lapsed fee. Within sixty days after March first of each year, a list of registered nurses who have renewed their certificates for that year shall be published.

Renewals.

SEC. 3. Section eight of said act approved June 12, 1913, as amended, is hereby amended to read as follows:

Stats. 1921,
p. 982,
amended.

Sec. 8. The board upon written application, and upon the receipt of ten dollars (\$10) 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, provided the applicant meets the requirements for certification as provided for in this act.

Nurses from
other states.

CHAPTER 140.

An act to amend section one of an act entitled "An act relating to the doing of public work by day's labor or force account, except emergency and maintenance work and work costing less than ten thousand dollars; requiring the state highway engineer, state engineer, the state architect, county engineers, county surveyors, city and county engineers, county highway engineers, road commissioners, city engineers, commissioners of public works, superintendents of streets, harbor engineers, flood control engineers, and the engineers of any reclamation, irrigation or other districts, political subdivisions or agencies of the state directing, supervising or superintending such work, or in charge of the engineering for or in connection therewith, to keep the costs, prepare and file plans, specifications and estimates of cost, and, upon completion, prepare and file certificates of cost thereof; and providing for the keeping of such plans, specifications and certificates as public records," approved June 21, 1923; and adding a new section thereto to be numbered three, providing a penalty for violation of any of the provisions of said act, relating to public officers and employees subject to the provisions hereof.

[Approved by the Governor May 15, 1925.]

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

Stats. 1923,
p. 1053,
amended.

SECTION 1. Section one of an act entitled "An act relating to the doing of public work by day's labor or force account, except emergency and maintenance work and work costing less than ten thousand dollars; requiring the state highway engineer, state engineer, the state architect, county engineers, county surveyors, city and county engineers, county highway engineers, road commissioners, city engineers, commissioners of public works, superintendents of streets, harbor engineers, flood control engineers, and the engineers of any reclamation, irrigation or other districts, political subdivisions or agencies of the state directing, supervising or superintending such work, or in charge of the engineering for or in connection therewith, to keep the costs, prepare and file plans, specifications and estimates of cost and, upon completion, prepare and file certificates of cost thereof; and providing for the keeping of such plans, specifications and certificates as public records," approved June 21, 1923, is hereby amended to read as follows:

Plans, etc.,
for public
work to be
done by
day labor.

Section 1. It shall be the duty of the state highway engineer, the state engineer, the state architect, and of every county engineer, county surveyor, city and county engineer, county highway engineer, road commissioner, city engineer, commissioner of public works, superintendent of streets, harbor engineer, flood control engineer, the engineer of any board or commission of the state, the engineer of any board

or commission of any city or city and county, and the engineer of any reclamation, irrigation or other district, political subdivision or agency of the state directing, supervising or superintending the construction, or in charge of engineering work for or in connection with the construction of any bridge, road, street, highway, ditch, canal, dam, tunnel, excavation, building or structure within the state by day's labor or force account, except maintenance work, work occasioned by emergency and work costing less than five thousand dollars, to keep an accurate account of the cost of such work; to prepare and file in his office, prior to the commencement of the work, full, complete and accurate plans and specifications, and an estimate of the cost thereof, except where other and adequate provision is made by law requiring the preparation and filing of such plans, specifications and estimates of cost by some other officer, or in some other office; and within sixty days from the completion of any such work, to prepare and file in the office of the county clerk of the county in which the work is performed, or if any such reclamation, irrigation or other district maintains an office, then in the office of his own such district instead of the office of the county clerk, a certificate in writing verified by him in the same manner as complaints in civil actions, setting forth the estimate of cost, names of bidders with prices bid, if bids there be, changes in adopted or approved plans and specifications, that the work performed has or has not been done in accordance with such plans and specifications, a list of any publicly owned equipment used in the work, and an itemized statement of the actual cost of all labor, materials, rentals, repairs, compensation and other insurance, transportation of labor, equipment and materials, engineering or architectural services including the services of public employees in connection with such work, and any and all cost entering into the work performed, including a reasonable amount for depreciation of publicly-owned equipment used in the work and the costs of repairs thereon while so used.

Certificate
of cost, etc.,
to be filed.

SEC. 2. A new section is hereby added to said act, approved June 21, 1923, to be numbered three and to read as follows:

Stats. 1923,
p. 1053,
amended.

Sec. 3. Every such public officer or public employee mentioned in section one of this act who wilfully violates any of the provisions of this act is guilty of a misdemeanor.

Penalty.

CHAPTER 141.

An act to amend an act entitled "An act to be known as the child labor law, and regulating the employment, hours, kinds and conditions of labor of children; providing for the administration and enforcement of the provisions of this act by the commissioner of the bureau of labor statistics, providing penalties for the violation hereof and repealing all acts and parts of acts inconsistent herewith," approved May 10, 1919, by amending section five thereof,

relating to minors employed in agricultural, horticultural, viticultural and domestic labor and in places of amusement, so as to prohibit the employment of minors under the age of twelve years in any performance, concert or entertainment, except church, school, lodge or charity entertainments, and except in dramas and legitimate plays with the written consent of the commissioner of the bureau of labor statistics, and to require a permit from said commissioner for the employment of any minor twelve years of age or over in any other performance, concert or entertainment.

[Approved by the Governor May 15, 1925.]

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

Stats. 1910,
p. 417,
amended.

SECTION 1. Section five of an act entitled "An act to be known as the child labor law, and regulating the employment, hours, kinds and conditions of labor of children; providing for the administration and enforcement of the provisions of this act by the commissioner of the bureau of labor statistics, providing penalties for the violation hereof and repealing all acts and parts of acts inconsistent herewith," approved May 10, 1919, is hereby amended to read as follows:

Agricultural
or domestic
labor.

Sec. 5. Nothing in this act shall be construed to prohibit the employment of minors sixteen years of age or over at agricultural, horticultural, or viticultural, or domestic labor for more than eight hours in one day or more than forty-eight hours in one week. Nor shall anything in this act 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 theater, 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 appearance of any minor in any church, school, radio broadcasting studio, lodge, community or charity entertainment, or performance arranged for the entertainment of children where no admission fee is charged, without the consent of the commissioner of the bureau of labor statistics, or be construed to prevent the employment of any minor, whether resident or nonresident, in the presentation of any drama or

Theatrical
employment.

legitimate play, with the written consent of the commissioner of the bureau of labor statistics, or be construed to prevent the employment of any minor twelve years of age or over, whether resident or nonresident, in any other performance, concert or entertainment, with the written consent of the commissioner of the bureau of labor statistics, or any minor over the age of eight years from appearing in any performance, concert or entertainment during the public school vacation, with the written consent of the commissioner of the bureau of labor statistics, but no such consent shall be given at any time unless the officer giving it is satisfied that the environment in which the performance, concert or entertainment 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 performance, concert or entertainment, and the commissioner may require the person charged with the issuance of age and schooling certificates to make the necessary investigation into such conditions; 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 date when, and the theaters and other places of amusement in which such performance, concert or entertainment is to be produced, and shall specify the performance, concert or entertainment in which the minor is permitted to participate, and every such consent shall be revocable at the will of the officer giving it. Dramas and plays shall include the production of motion picture plays.

Prerequisites
to giving
consent.

What consent
shall specify.

CHAPTER 142.

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

[Approved by the Governor May 15, 1925.]

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

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

538. Every person, who, after mortgaging any of the property, permitted to be mortgaged by the provisions of section two thousand nine hundred fifty-five of the Civil Code, excepting locomotives, engines, rolling stock of a railroad, steamboat machinery in actual use, and vessels, during the existence of such mortgage, with intent to defraud the mortgagee, his representative or assigns, takes, drives, carries away, or otherwise removes or permits the taking, driving, or carrying away, or other removal of the mortgaged property, or any part thereof, from the county where it was situate when mortgaged, without the written consent of the mortgagee, or who

Removing
mortgaged
personal
property.

Further
incumbrance
or sale.

sells, transfers, slaughters, destroys or in any manner further encumbers the said mortgaged property, or any part thereof, or causes the same to be sold, transferred, slaughtered, destroyed, or further encumbered, is guilty of larceny, and is punishable accordingly; unless in case of a sale, transfer or further encumbrance at or before the time of making such sale, transfer or encumbrance, such mortgagor informs the person to whom such sale, transfer, or encumbrance is made, of the existence of the prior mortgage, and also informs the prior mortgagee of the intended sale, transfer, or encumbrance, in writing, by giving the name and place of residence of the party to whom the sale, transfer or encumbrance is to be made.

CHAPTER 143.

An act to amend section three thousand eight hundred thirty-one of the Political Code, relating to revenue and taxation.

[Approved by the Governor May 15, 1925.]

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

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

Auditor to
examine
assessment
book.

3831. Within fifteen days after the first Monday in August of each year, the auditor of the county, or city and county, must make a careful examination of the assessment book or books of the county, or city and county, and ascertain therefrom the amount or amounts of all taxes that should have been collected by the assessor in pursuance of this chapter, and which have not been collected.

CHAPTER 144.

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

[Approved by the Governor May 15, 1925.]

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

Stats. 1915,
p. 119,
amended.

SECTION 1. Section five of an act entitled "An act to provide for the organization of the railroad commission, to de-

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

Sec. 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 assistant secretaries who shall have all 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. The secretary and the assistant secretaries 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, testimony in any inquiry, investigation, hearing or proceeding in any part of the state.

Secretary.

Assistant secretaries.

CHAPTER 145.

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

[Approved by the Governor May 15, 1925.]

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

SECTION 1. Section one of an act entitled "An act providing for the supervision and regulation of the transportation of persons and property for compensation over any public highway by automobiles, jitney busses, auto trucks, stages and auto stages; defining transportation companies and providing for the supervision and regulation thereof by the railroad commission; providing for the enforcement of the provisions of this act and for the punishment of violations thereof; and

Stats. 1919, p. 453, amended.

repealing all acts inconsistent with the provisions of this act," approved May 10, 1917, as amended, is hereby amended to read as follows:

Words and
phrases
defined.

Section 1. (a) The term "corporation" when used in this act, means a corporation, a company, an association or a joint stock association.

(b) The term "person" when used in this act, means an individual, a firm or copartnership.

(c) The term "transportation company," when used in this act, means every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing, any automobile, jitney bus, auto truck, stage or auto stage used in the business of transportation of persons or property, or as a common carrier, for compensation, over any public highway in this state between fixed termini or over a regular route, and not operating exclusively within the limits of an incorporated city or town or of a city and county; *provided*, that the term "transportation company," as used in this act, shall not include corporations or persons, their lessees, trustees, receivers or trustees appointed by any court whatsoever, in so far as they own, control, operate or manage taxicabs, hotel busses, sightseeing busses or busses engaged solely in the transportation of bona fide pupils attending an institution of learning when such pupils are transported solely between their homes and such institution of learning, or any other carrier which does not come within the term "transportation company" as herein defined.

(d) The term "public highway," when used in this act, means every public street, road or highway in this state.

(e) The words "between fixed termini or over a regular route," when used in this act, means the termini or route between or over which any transportation company usually or ordinarily operates any automobile, jitney bus, auto truck, stage or auto stage, even though there may be departures from said termini or route, whether such departures be periodic or irregular. Whether or not any automobile, jitney bus, auto truck, stage or auto stage is operated by a transportation company "between fixed termini or over a regular route" within the meaning of this act shall be a question of fact and the finding of the railroad commission thereon shall be final and shall not be subject to review.

CHAPTER 146.

An act adding a new section to the Civil Code of this state, to be numbered section two thousand two hundred five and relating to the liability of stage lines, transfer companies and other common carriers operating over public highways for loss or damage to baggage.

[Approved by the Governor May 15, 1925.]

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 which shall be numbered section two thousand two hundred five thereof which shall read as follows:

2205. The liability of any stage line, transfer company, or other common carriers operating over the public highways for the loss of or for damage to any baggage shall not exceed the sum of one hundred dollars for each trunk and its contents; twenty-five dollars for each valise, suitcase or traveling bag and its contents; or ten dollars for each box, bundle, or package and its contents, unless a higher valuation is declared at the time of delivery of such baggage to the carrier and assented thereto in writing by such carrier.

Liability of stage lines, etc., for damage to baggage.

CHAPTER 147.

An act to amend section twenty of an act known as the "pure milk law," of California, approved June 15, 1923, relating to the labeling of market milk.

[Approved by the Governor May 15, 1925.]

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

SECTION 1. Section twenty of the "pure milk law," approved June 15, 1923, is hereby amended so as to read as follows:

Stats. 1923, p. 845, amended.

Sec. 20. (a) The class or grade of all milk or cream sold, except in bulk to the wholesale trade, and the name and address of the producer or distributor (who shall be responsible for the quality of the contents and correct labeling as required by this act) shall at all times appear plainly and in a conspicuous place on, or be securely attached to every bottle, cap, can or container.

Labels.

(b) Milk sold or exchanged or offered or exposed for sale or exchange as and for graded milk under the designation, label or other representation of "guaranteed," "grade A," or "grade B" milk shall have the name of the grade and whether raw or pasteurized marked on the container or cap of the container in capital letters not less than one-eighth inch long and one-sixteenth inch wide; *provided*, that milk not suitable for human consumption shall be plainly marked "unfit for

Grade designated.

human consumption" as provided in sections seven, ten, eleven and seventeen of this act.

Distinguish-
ing marks.

(c) No distinguishing names, marks or words other than those specified in this act shall appear on any bottle, cap, can or container to signify or describe the quality, which distinguish the milk or cream contained therein from similar products of the same class or grade; *provided*, that nothing herein contained shall prohibit the use of the names of breeds of dairy cattle, breed trademarks or other designations adopted by a national or state breed association approved by the department of agriculture of the State of California, when such breed names, trademarks or designations are placed only on an inner cap or embossed or engraved in the glass of the bottle, or the use of expression, "from nonreacting tuberculin tested cows;" *and provided, further*, that nothing herein contained shall be construed to prohibit the dating of milk bottle caps under the rules of an approved milk inspecting department, or under local ordinances.

Unlawful
possession or
use of caps
or labels.

(d) It shall be unlawful for any person, firm or corporation selling or handling market milk to have in his or its possession or under his or its control any milk bottle cap or label, except the individual producer or distributor of milk who is responsible for the quality of the contents of any milk container and for the correct labeling thereof as required by this act. It shall be unlawful for any person, firm or corporation selling or handling market milk to substitute any required cap or label for another cap or label, or to remove any cap or label from any milk container and attach said cap or label to another milk container. It shall be unlawful to sell or offer for sale or have on hand for sale any milk bottle caps which are not in unopened, dustproof packages in which they have been packed by the manufacturer.

Effect
of act.

SEC. 2. It is hereby expressly provided that this amendment shall become an integral part of the pure milk law of California and that it shall be read and interpreted in connection with the context of said act as a whole, and that it is subject to the same general provisions relating to unlawful sales, enforcement, violations and penalties, as are provided by said law.

CHAPTER 148.

An act to amend section four of an act entitled "An act to provide for the payment of judgments against counties, cities, cities and counties, and towns," approved March 23, 1901.

[Approved by the Governor May 15, 1925.]

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

Stats. 1901,
p. 795,
amended.

SECTION 1. Section four of the act entitled "An act to provide for the payment of judgments against counties, cities, and towns," approved March 23, 1901, is hereby amended to read as follows:

Sec. 4. When provision for the payment of any final judgment mentioned in this act is made by including in the tax levy for any fiscal year an aliquot part or fraction thereof as in this act provided, an action upon any such final judgment, including judgments which are final at the time of the passage of this section of this act, but are not yet barred, may be commenced within five years after the date of the making of the first tax levy thereafter which fails to include an aliquot part or fraction of the amount of such judgment as in this act provided; but no action shall be brought or prosecuted on any such judgment so long as it is being paid in aliquot parts or fractions as in this act provided.

Limitation
of actions.

CHAPTER 149.

An act to amend nineteen x twenty-three of the "juvenile court act," approved June 5, 1915, as amended, relating to the salary of the probation officer in counties of the twenty-third class.

[Approved by the Governor May 15, 1925.]

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

SECTION 1. Section nineteen x twenty-three of the "juvenile court act," approved June 5, 1915, as amended, is hereby amended to read as follows:

Stats. 1921,
p. 823,
amended.

19x23. In counties of the twenty-third class there shall be one probation officer whose salary shall be two hundred dollars per month.

Counties of
23d class:
salary of
probation
officer.

CHAPTER 150.

An act to amend section one thousand eight hundred seventy-three of the Political Code, relating to the administration of oaths by educational officers.

[Approved by the Governor May 16, 1925.]

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

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

1873. The superintendent of public instruction, deputy and assistant superintendents of public instruction, secretary of superintendent of public instruction, county superintendents of schools, school trustees, members of boards of education, secretaries and assistant secretaries of boards of education, city superintendents of schools, district superintendents of schools, assistant superintendents of schools, deputy superintendents of schools, principals of schools, and every other officer charged with the performance of duties under the provisions of this chapter, may administer and certify oaths relating to officers or official matters concerning public schools.

School
officers may
administer
oaths.

CHAPTER 151.

An act defining the power of municipalities to establish the grades of those portions of any state or county highway lying within their boundaries.

[Approved by the Governor May 16, 1925.]

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

Grades of
highways
within mu-
nicipalities.

SECTION 1. Municipalities, acting through their legislative bodies, shall have the power to establish the grades of those portions of any state or county highway lying within their corporate boundaries; *provided, however*, no municipality shall have any power to change the grade of such portion of any such highway where the grade thereof has been established prior to the incorporation of such municipality, without first obtaining the written consent of the state or county authorities, as the case may be.

CHAPTER 152.

An act to amend section nineteen x thirteen of the juvenile court law, approved June 5, 1915, as amended, relating to the salary of probation officer in counties of the thirteenth class.

[Approved by the Governor May 18, 1925.]

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

Stats. 1921,
p. 858,
amended.
Counties of
13th class:
salaries of
probation
officers.

SECTION 1. Section nineteen x thirteen of the juvenile court law is hereby amended to read as follows:

Sec. 19x13. In counties of the thirteenth class there shall be one probation officer whose salary shall be two hundred fifty dollars per month, and one stenographer whose salary shall be one hundred fifteen dollars per month.

CHAPTER 153.

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

[Approved by the Governor May 16, 1925.]

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

Stats. 1917,
p. 335,
amended.

SECTION 1. Section seven of an act entitled "An act providing for the supervision and regulation of the transportation

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

Sec. 7. (a) In all respects in which the railroad commission has power and authority under the constitution of this state or this act, applications and complaints may be made and filed with the railroad commission, process issued, hearings held, opinions, orders and decisions made and filed, petitions for rehearing filed and acted upon, and petitions for writs of review or mandate filed with the supreme court of this state, considered and disposed of by said court, in the manner, under the conditions and subject to the limitations and with the effect specified in the public utilities act.

Application
of public
utilities act.

(b) No person shall be excused from testifying or from producing any book, waybill, document, paper or account in any investigation or inquiry by or hearing before the commission or any commissioner or examiner, when ordered to do so, upon the ground that the testimony or evidence, book, waybill, 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 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 transportation company immunity of any kind.

Persons not
excused from
testifying.

CHAPTER 154.

An act to add a new section to article three of chapter two of title three of part one of division four of the Civil Code, to be known as section three thousand three hundred ninety-seven, and relating to specific performance of marketing agreements of cooperative marketing associations.

[Approved by the Governor May 16, 1925.]

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

SECTION 1. A new section is hereby added to article three of chapter two of title three of part one of division four of the Civil Code, to be known as section three thousand three hundred ninety-seven, and to read as follows:

3397. A contract entered into by a member or stockholder of a nonprofit cooperative association or corporation,

Compelling
delivery of
products.

providing for the delivery to such association or corporation of products produced or acquired by the member or stockholder, may be specifically enforced by the association or corporation to secure the delivery to it of such products, any provisions contained in this part of the Civil Code to the contrary notwithstanding.

CHAPTER 155.

An act to amend section one thousand one hundred ninety-two of the Code of Civil Procedure, relating to mechanics liens.

[Approved by the Governor May 16, 1925.]

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

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

1192. Every building or other improvement or work mentioned in any of the preceding sections of this chapter constructed, altered or repaired upon any land with the knowledge of the owner or of any person having or claiming any estate therein, and the work or labor done or materials furnished mentioned in any of said sections with the knowledge of the owner or persons having or claiming any estate in the land, shall be held to have been constructed, performed or furnished at the instance of such owner or person having or claiming any estate therein, and such interest owned or claimed shall be subject to any lien filed in accordance with the provisions of this chapter, unless such owner or person having or claiming any estate therein shall, within ten days after he shall have obtained knowledge of such construction, alteration or repair or work or labor, give notice that he will not be responsible for the same by posting a notice in writing to that effect in some conspicuous place upon the property, and shall also, within the same period, file for record a verified copy of said notice in the office of the county recorder of the said county in which said property or some part thereof is situated. Said notice shall contain a description of the property affected thereby sufficient for identification, with the name, and the nature of the title or interest of the person giving the same, name of purchaser under contract, if any, or lessee if known; said copy so recorded may be verified by anyone having a knowledge of the facts, on behalf of the owner or person for whose protection the notice is given.

Building
constructed
or improved
at owner's
instance.

CHAPTER 156.

An act to amend the Code of Civil Procedure, by adding thereto a new section to be numbered one thousand eight hundred seventy-one, relating to experts, their appointment by the court, or a judge thereof, and providing for their compensation and manner of examination as witnesses.

[Approved by the Governor May 16, 1925.]

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 eight hundred seventy-one; and to read as follows:

1871. Whenever it shall be made to appear to any court or judge thereof, either before or during the trial of any action or proceeding, civil or criminal, pending before such court, that expert evidence is, or will be required by the court or any party to such action or proceeding, such court or judge may, on motion of any party, or on motion of such court or judge, appoint one or more experts to investigate and testify at the trial of such action or proceeding relative to the matter or matters as to which such expert evidence is, or will be required, and such court or judge may fix the compensation of such expert or experts for such services, if any, as such expert or experts may have rendered, in addition to his or their services as a witness or witnesses, at such amount or amounts as to the court or judge may seem reasonable. In all criminal actions and proceedings such compensation so fixed shall be a charge against the county in which such action or proceeding is pending and shall be paid out of the treasury of such county on order of the court or judge. In all civil actions and proceedings such compensation shall, in the first instance, be apportioned and charged to the several parties in such proportion as the court or judge may determine and may thereafter be taxed and allowed in like manner as other costs. Nothing contained in this section shall be deemed or construed so as to prevent any party to any action or proceeding from producing other expert evidence as to such matter or matters, but where other expert witnesses are called by a party to an action or proceeding they shall be entitled to the ordinary witness fees only and such witness fees shall be taxed and allowed in like manner as other witness fees. Any expert so appointed by the court may be called and examined as a witness by any party to such action or proceeding or by the court itself; but, when called, shall be subject to examination and objection as to his competency and qualifications as an expert witness and as to his bias. Such expert though called and examined by the court, may be cross-examined by the several parties to an action or proceeding in such order as the court may direct. When such witness is called and examined by the court, the several parties shall have the same right to object to the questions asked and the evidence

Appointment
of experts
by court.

Compensation.

Examination.

adduced as though such witness were called and examined by an adverse party.

The court or judge may, at any time before the trial or during the trial, limit the number of expert witnesses to be called by any party.

CHAPTER 157.

An act appropriating money to meet the deficiency in the appropriation of salaries of senators and assemblymen for the seventy-fifth and seventy-sixth fiscal years.

[Approved by the Governor May 16, 1925.]

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

Appropriation:
legislative
deficiency.

SECTION 1. The sum of forty-six thousand two hundred thirty dollars (\$46,230) is hereby appropriated out of any money in the state treasury not otherwise appropriated to meet the deficiency in the appropriation for salaries of senators and assemblymen for the seventy-fifth and seventy-sixth fiscal years.

Urgency
measure.

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

CHAPTER 158.

An act to add a new section, to be numbered section four hundred sixty-seven a, to the Civil Code of the State of California, providing for and authorizing the construction of additional tracks by railroad corporations.

[Approved by the Governor May 16, 1925.]

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 section four hundred sixty-seven a, and to read as follows:

Additional
main line
tracks.

467a. The board of directors of any railroad corporation may, in their discretion, at any time after the original location and construction of its railroad, in order to provide better facilities for the public service, construct an additional main line track or tracks either adjacent to such located and operated line or otherwise, but always in whole or in part between the same termini, and may without abandoning the original location, acquire such rights of way as may be necessary for such additional track or tracks, with their appendages and adjuncts, of a similar width as provided in section four hundred sixty-five of this code for the original location, either by purchase or condemnation, as therein provided, and may operate such additional tracks in conjunction with any and all tracks previously constructed, as additional facilities for

said railroad system. Nothing herein shall be deemed to supersede or repeal any of the provisions of the public utilities act or any other law relating to the regulation of railroad corporations by the railroad commission. Nor shall anything herein contained be deemed to supersede or repeal any law requiring railroads to obtain franchises from the cities or counties through which such additional tracks may pass.

CHAPTER 159.

An act to repeal an act entitled "An act to provide for and regulate the issuance of stock without nominal or par value by public utility corporations now existing or hereafter organized," approved May 31, 1917.

[Approved by the Governor May 16, 1925.]

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

SECTION 1. An act entitled "An act to provide for and regulate the issuance of stock without nominal or par value by public utility corporations now existing or hereafter organized," approved May 31, 1917, is hereby repealed. Stats. 1917, p. 1367, repealed.

CHAPTER 160.

An act authorizing the regents of the University of California to convey certain land in the city of Los Angeles to the city of Los Angeles for the purpose of widening Vermont avenue.

[Approved by the Governor May 16, 1925.]

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

SECTION 1. The regents of the University of California are authorized to convey to the city of Los Angeles, for the purpose of widening Vermont avenue in that city, a portion of their lands in that city described as follows, to wit: A strip or parcel of land ten feet in width running westerly of and adjoining the westerly line of Vermont avenue as such street existed January 1, 1925, and extending from the southerly line of Willow Brook avenue to the northerly line of Monroe street; and to cause 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 the secretary under the seal of the said board. Vermont avenue, Los Angeles: widening of.

CHAPTER 161.

An act to provide for the issuance and sale of state bonds to be known as "California state buildings and state university buildings bonds," to provide for and create a fund for the completion and equipment of state buildings at Sacra-

mento and the construction and equipment of a state building at Los Angeles, to create and provide for a fund for the construction and equipment of a building or buildings for the University of California at Berkeley and a building or buildings for the University of California at Los Angeles, authorizing the expenditure of said funds for the purposes herein enumerated, creating a state building finance board, creating an interest and sinking fund for the payment of interest on said bonds and the redemption of the same, and making appropriation therefor, making an appropriation of ten thousand dollars for the expense of printing, lithographing and selling said bonds, designating the name by which this act shall be known, and fixing the time at which this act shall be and become effective.

[Approved by the Governor May 16, 1925.]

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

State build-
ings, comple-
tion, or
construction,
and equip-
ment of.

SECTION 1. In accordance with the provisions and subject to the limitations hereinafter in this act set forth, the department of engineering of the State of California is hereby authorized and directed to complete and equip the state buildings heretofore commenced at the city of Sacramento and known as the capitol extension buildings and to construct and equip a state office building in the city of Los Angeles for the use and occupancy of the officers and departments of the state government located in said city, and the regents of the University of California are hereby authorized to construct and equip a building or buildings for the use of the University of California in the city of Berkeley and a building or buildings for the use of the University of California in the city of Los Angeles. For the purpose of meeting the cost of such completion, construction and equipment, the State of California shall incur an indebtedness in the manner provided by this act in the sum of eight million five hundred thousand dollars.

Preparation
of bonds.

SEC. 2. Immediately upon the taking effect of this act, the state treasurer shall prepare eight thousand five hundred suitable bonds of the State of California negotiable in form and payable to the bearer and expressing on their face the obligation of the State of California to pay in gold coin of the United States the principal amount thereof at the respective dates of maturity hereinafter specified, together with interest as hereinafter provided for, in the denomination of one thousand dollars each. Said bonds shall be known and designated as California state buildings and state university buildings bonds and shall be numbered consecutively from one to eight thousand five hundred, inclusive, and shall bear date the second day of January, 1927. Said bonds as originally prepared shall not contain a statement of the interest to be paid, but appropriate blanks shall be left upon the face of each of said bonds for the insertion of the rate of interest to be paid as hereinafter provided for. The total issue of

such bonds shall not exceed the principal sum of eight million five hundred thousand dollars. Said bonds and interest thereon shall be payable in gold coin of the United States at the office of the state treasurer at the time and in the manner following, to wit:

The first two hundred fifty of said bonds shall be due When due. and payable on the second day of January, 1932, and two hundred fifty of said bonds in consecutive numerical order shall be due and payable on the second day of January of each and every year thereafter until and including the second day of January, 1965.

The interest accruing on all of said bonds that shall be Interest. sold shall be payable at the office of the state treasurer on the second day of January and on the second day of July of each and every year after the sale of the same. The interest on all bonds issued and sold shall cease on the day of their maturity and the said bonds so issued and sold shall on or after the day of their maturity be paid as herein provided and shall thereupon be canceled by the state treasurer. All bonds remaining unsold shall at the date of the maturity thereof be canceled and destroyed by the state treasurer. All bonds Signatures. issued pursuant to the provisions of this act shall be signed by the governor of the state, countersigned by the state controller, and indorsed by the state treasurer, and the said bonds shall be so signed, countersigned and indorsed by the officers who are in office on the second day of January, 1927; *provided*, that in the event of the death, removal from office, or disability of any or either of said officers prior to the signing, countersigning or indorsing of said bonds, as the case may be, the officer authorized by law to succeed to or perform such officer's general duties, may sign, countersign or indorse the same, as required, in his place and stead, with like authority and effect. Each of said bonds shall have the seal of this state impressed thereon. The said bonds signed, countersigned, Obligation. indorsed 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 persons so signing, countersigning and indorsing, or any of them, shall have ceased to be the incumbents of said office or offices, and though the rate of interest shall be inserted upon the face of said bonds or any of them as herein-after authorized and provided, at a date or dates after said bonds shall be so signed, countersigned, indorsed and sealed.

SEC. 3. Attached to each of said bonds, there shall be an Interest coupons. interest coupon for each semiannual payment of interest thereon, negotiable in form and payable to bearer and expressing the obligation of the State of California to pay the amount of the semiannual payment of interest in gold coin of the United States at the time of maturity thereof. Said interest coupons shall be so attached that each may be detached without injury to or mutilation of said bond or injury to, mutilation of, or detachment from said bond of the remainder of

such coupons, the time of payment of which has not yet been reached, which coupons shall be consecutively numbered in the chronological order of their time of payment and shall bear the lithographed signature of the state treasurer. No interest shall be paid on any of said bonds for such time as may intervene between the date of said bond and the day of sale thereof, except to the extent to which accrued interest shall have been paid to the state at the time of such sale by the purchaser of said bond.

State build-
ing finance
board.

SEC. 4. There is hereby created a state building finance board composed of the governor, state controller, state treasurer, chairman of the state board of control and comptroller of the University of California, all of whom shall serve thereon without compensation and a majority of whom shall be empowered to act for said board. Said state building finance board shall from time to time, so long as the bonds herein authorized or any of them remain unsold, determine when the same or any part thereof shall be sold, the number to be sold, and the interest rate thereon, which rate shall be fixed by the said board according to the then prevailing market conditions, but shall at no time exceed six per cent per annum, and the determination of said board as to the rate of interest shall be conclusive as to the then prevailing market condition. When requested by said board, the state treasurer shall prepare such number of bonds as may be requested, inserting upon the face of each of said bonds such interest rate as said board has determined and authorized, and when so prepared said bonds shall be sold and delivered as in this act provided. In the event that any bonds prepared as herein provided can not in the judgment of said state building finance board be sold at the time fixed for the sale thereof or thereafter, said board may withdraw said bonds from sale and direct the state treasurer to cancel and destroy the same and may at said time or thereafter at its option direct the preparation and sale, as herein provided, of the same or a different number of bonds, but not to exceed in all the amount herein authorized, and at the same or a different rate of interest, but not to exceed six per cent per annum, and it shall be the duty of the state treasurer to obey any and all directions of said board as herein authorized to cancel and destroy bonds and prepare and sell new bonds. In the event that bonds in addition to those directed in section two of this act originally to be prepared must be prepared in order to fulfill the provisions of the sentence immediately preceding this, such bonds shall be signed by the governor of the state, countersigned by the state controller, and indorsed by the state treasurer, who hold office at the time of the preparation of such additional bonds, with like authority and effect as if the same were signed by the governor of the state, countersigned by the state controller, and indorsed by the state treasurer who were in office on the second day of January, 1927.

Sale of
bonds.

SEC. 5. When the bonds authorized by this act to be issued shall have been signed, countersigned, indorsed and sealed,

as in this act provided, the state treasurer shall from time to time sell such number thereof as the said state building finance board may direct, to the highest bidder for cash. The state building finance board shall from time to time issue such direction to sell such bonds as in the opinion of a majority of said state building finance board shall be deemed necessary or expedient; *provided*, that said state building finance board shall issue to the state treasurer such direction immediately after being requested so to do through and by resolution duly adopted and passed by a majority vote of the regents of the University of California; *provided*, that the total amount of bonds to be sold upon such request of the regents of the University of California shall not exceed in the aggregate bonds of the par value of six million dollars. Such resolution of the regents of the University of California shall specify the amount of money which in the judgment of said the regents of the University of California shall be required at such time and the said state building finance board shall direct the state treasurer to sell such number of bonds as will at the par value thereof equal said amount of money so required, according to such resolution of the regents of the University of California. Each direction of the said state building finance board requiring the state treasurer to sell bonds as herein provided shall specify what proportion of the proceeds of the sale of said bonds shall be paid into the California state building fund of 1925, and what proportion of the proceeds of the sale of said bonds shall be paid into the University of California buildings fund of 1925, which said funds are hereby Funds created. created in and for the state treasury and shall be maintained therein so long as this act shall remain in force, as separate funds under the said names herein specified. In the case of each sale of said bonds directed pursuant to resolution of the regents of the University of California the state building finance board shall direct the state treasurer to deposit the proceeds of such sale in the state treasury to the credit of said University of California buildings fund of 1925.

Said bonds shall be sold in consecutive numerical order, save and except that the state treasurer may sell two or more bonds at the same time in one lot, which lot, however, shall be made up of bonds consecutively numbered, the first of which in number shall be the first bond in number yet unsold. Bids. The state treasurer shall not accept any bid which is less than the par value of the bond or bonds bid for and to the amount of the accepted bid there shall be added in each case as a part of the purchase price to be paid by the bidder the amount of interest which shall have accrued on the bond or bonds bid for between the date of purchaser's payment for said bond or bonds and the last preceding interest maturity date. Each bid shall be in writing and signed by the bidder and sealed and shall be deposited with the state treasurer not later than the last business day preceding the date of sale. Each bid

Deposits.

shall be accompanied by a deposit with the state treasurer either in cash or by certified check on a reputable bank within the State of California to the order of the State of California of a sum equal to one-tenth of the amount of the par value of the bond or lot of bonds bid for. Such deposit of each unsuccessful bidder shall be returned to him immediately upon the rejection of his bid and such deposit of the successful bidder shall immediately upon acceptance of his bid become and be the property of the State of California and be placed in the state treasury to the credit of the California state buildings fund of 1925, or the University of California buildings fund of 1925, or part to the credit of one of said funds and part to the credit of the other of said funds, as may be appropriate and required by the direction of the state building finance board as hereinbefore provided, and shall be credited to the successful bidder upon the purchase price of the bond or bonds paid for in case such price is paid in full by him within the time hereinafter prescribed. At the time of sale the state treasurer shall open said bids and accept the bid of the highest bidder for cash, save and except that no bid shall be accepted which shall be lower in amount than the par value of the bonds bid for and that the state treasurer shall reject all bids if instructed so to do by the state building finance board. The purchase price of the bonds sold shall be payable within ten days after the acceptance of the bid therefor, and if not so paid, the successful bidder shall have no right in or to said bonds or by reason of said bid or to the recovery of said deposit accompanying said bid or to any allowance or credit by reason of such deposit. In case the purchase price is not so paid, the bonds so sold but not paid for shall be resold by the state treasurer upon notice as hereinafter provided in case of original sale. Bonds sold shall be delivered to the purchaser immediately upon and not before the payment of the purchase price therefor. Before delivering any of said bonds, the state treasurer shall detach therefrom all interest coupons which have matured before the date of the payment of the purchase price therefor. The state treasurer may by public announcement at the time and place fixed by him for said sale continue such sale to such time and place as he may at the time of said continuance designate. When a sale is continued no notice thereof need be given other than the public announcement of such continuance by the state treasurer as just hereinbefore provided. The state treasurer shall give notice of the time and place of sale by publication in one newspaper published in the city and county of San Francisco, in one newspaper published in the city of Los Angeles, in one newspaper published in the city of Oakland, and in one newspaper published in the city of Sacramento, once a week for four weeks next preceding the date fixed for said 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 expense and cost of such

Purchase price.

Continuance.

Notice.

additional notice shall not exceed the sum of five hundred dollars for each sale so advertised.

Immediately upon the receipt of the purchase price from each sale of said bonds, the state treasurer shall pay in to the state treasury to the credit of the California state buildings fund of 1925, or the University of California buildings fund of 1925, or part to the credit of one of said funds and part to the credit of the other of said funds, as may be appropriate and required by the direction of the state building finance board as hereinbefore provided, the amount received as such purchase price, except such amount as may have been paid as accrued interest on said bonds.

Credit to designated fund.

Each and every amount that shall have been paid in any sale of the bonds herein authorized as accrued interest on the bonds sold shall be, by the state treasurer, immediately after such sale, paid in to the treasury of the state and placed in the fund hereinafter mentioned, to be known as the "interest and sinking fund of the California state buildings and state University buildings bonds."

Interest and sinking fund.

SEC. 6. The moneys placed in and to the credit of the California state buildings fund of 1925, pursuant to the provisions of section five of this act shall be allotted and used as follows:

Allotment and expenditure of state buildings fund.

A sum not to exceed one million two hundred fifty thousand dollars shall be used for the completion and equipment of the state buildings heretofore in part constructed in the city of Sacramento and known as the capitol extension buildings, and a sum not to exceed one million two hundred fifty thousand dollars shall be used for the construction and equipment of a state office building in the city of Los Angeles for the use and occupancy of the officers and departments of the state government located in said city. The plans for the completion and equipment of said state buildings in the city of Sacramento and for the construction and equipment of said state building in the city of Los Angeles shall be prepared by the department of engineering and before any work of construction is commenced shall be submitted to and approved by a special commission consisting of the governor, the attorney general, the chief justice of the supreme court, and the state librarian, which said commission is hereby created for such purpose and is hereby given sole authority to approve said plans and to determine, within the limits of the sums herein authorized to be expended, what amounts shall be expended for the completion and equipment of the several said state buildings in the city of Sacramento and for the construction and equipment of said state building in the city of Los Angeles.

Plans.

SEC. 7. The moneys placed in and to the credit of the University of California buildings fund of 1925, pursuant to the provisions of section five of this act, shall be used under the direction of the regents of the University of California, exclusively for the construction and equipment of buildings for the University of California, as follows:

Allotment and expenditure of university buildings fund.

A sum not to exceed three million dollars shall be used for the construction and equipment of a building or buildings for the University of California in the city of Berkeley, and a sum not to exceed three million dollars shall be used for the construction and equipment of a building or buildings for the University of California in the city of Los Angeles.

Moneys shall be drawn from said University of California buildings fund of 1925 for the purposes of, and specified in, this act upon warrants duly drawn by the controller of the state upon claims made by the regents of the University of California and approved by the state board of control.

Annual ap-
propriation.

Interest and
sinking fund.

SEC. 8. 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 interest on bonds issued and sold pursuant to provisions of this act as said principal and interest become due and payable. There shall be collected each year and in the same manner and at the same time as other state revenue is collected, such sum in addition to the ordinary revenues of the state as shall be required to pay the principal and interest on said bonds maturing in said year, 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. There is hereby created in the state treasury a fund to be known and designated as the "interest and sinking fund of the California state buildings and state university buildings bonds." The state treasurer shall on the first day of July, 1927, and on the first day of each January and the first day of each July thereafter transfer from the general fund of the state treasury to said interest and sinking fund of the California state buildings and state university buildings bonds such an amount of money as shall be required to pay the interest maturing at the next interest payment date on the amount of said bonds sold and outstanding, and shall likewise on the first day of January of the year 1932, and the first day of January of each year thereafter in which any of said bonds sold and outstanding mature, transfer from the general fund of the state treasury to said interest and sinking fund of the California state buildings and state university buildings bonds such an amount of money as may be required to pay the principal of such bonds sold and outstanding as mature in such year.

Payment of
principal
and interest.

SEC. 9. The principal and interest of all of said bonds which may be sold shall be paid at the time the same become due from said interest and sinking fund of the California state buildings and state university buildings bonds, and the faith of the state of California is hereby pledged for the payment in full of the principal and interest of said bonds so sold as the same mature. Both principal and interest of the bonds or coupons so maturing shall be so paid upon presentation thereof to the state treasurer on or after the day of the maturity of the same, and the state treasurer is hereby authorized and required to make such payment. Warrants for such

payment shall be duly drawn by the state controller upon the request of the state treasurer.

SEC. 10. The sum of ten thousand dollars is hereby appropriated to pay the expenses that may be incurred by the state treasurer in the printing, lithographing and selling of said bonds. Said amount shall be paid out of the general fund of the state treasury on the state controller's warrants duly drawn for that purpose. Expense of printing and selling bonds.

SEC. 11. 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 legislature bi-annually and all books and papers pertaining to the matters 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. Accounts. Records. Reports.

SEC. 12. This act shall be known and may be cited as the "California state buildings and state university buildings bonds act of 1925." Citation of act.

SEC. 13. This act shall take effect upon the adoption by the people of the State of California of an amendment to the constitution of the State of California approving, adopting, legalizing, validating and making fully and completely effective this act. Effective.

CHAPTER 162.

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 regents of the University of California, as a public trust for the State of California, any real property owned by it, or which it may hereafter acquire, within or without its corporate limits, for a site upon which the regents of the University of California may erect university 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 by the Governor May 16, 1925.]

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

SECTION 1. Any city and county, or county, or city operating under a freeholders' charter or otherwise, or any town, or any municipal corporation, in the State of California, is Cities and counties may grant real property to university.

hereby authorized and empowered to donate and grant to the regents of the University of California as a public trust for the State of California, any real property owned by it or which it may hereafter acquire within or without its corporate limits for a site upon which the regents of the University of California may erect university buildings, or maintain grounds in connection therewith.

May use
funds or
issue bonds.

SEC. 2. Any city and county, or county, or city operating under a 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 regents of the University of California as a public trust for the State of California, any real property owned by it or which it may hereafter acquire within or without its corporate limits for a site upon which the regents of the University of California may erect university 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 or without its corporate limits, upon which the regents of the University of California may erect university buildings, or maintain grounds in connection therewith. Any city and county, or county, or city operating under a 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 and to issue bonds for said purposes in the same form and manner as debt is incurred and bonds issued for other municipal purposes.

Proceedings
for incurring
indebtedness
and issuing
bonds.

SEC. 3. All proceedings to call an election, and all other and subsequent proceedings, which may have been taken prior to the taking effect of this act by any city and county, or county, or city operating under a freeholders' charter, or otherwise, or any town, or any municipal corporation in the State of California for the incurring of indebtedness and the issuance of bonds for any of the purposes specified in this act are hereby legalized, ratified, confirmed and validated, and such city and county, or county, or city operating under a freeholders' charter or otherwise, or any town, or any municipal corporation, in the State of California, is hereby authorized and empowered to complete any such proceedings and to issue said bonds, and all bonds issued pursuant to any election called or to be called for any of the purposes specified in this act are hereby legalized, ratified, confirmed and validated, and all bonds issued, or to be issued pursuant to proceedings taken by any city and county, or county, or city operating under a freeholders' charter or otherwise, or any town, or any municipal corporation, in the State of California, prior to the taking effect of this act, are hereby legalized, ratified, confirmed and validated, and all such bonds are declared to be and shall be the legal and binding obligation of and against the city and county, or county, or city operating under a freeholders' charter or otherwise, or any town, or any municipal

corporation, in the State of California, so issuing them, and the faith and credit of such city and county, or county, or city operating under a 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; *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 been authorized by not less than two-thirds of the qualified electors of such city and county, or county, or city operating under a freeholders' charter or otherwise, or any town, or any municipal corporation, in the State of California, voting at such election.

SEC. 4. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. Repeal.

CHAPTER 163.

An act to provide for an acceptance by the State of California of the provisions of an act passed by the congress of the United States entitled "An act to authorize a more complete endowment of agricultural experiment stations and for other purposes, approved February 24, 1925," and to authorize the regents of the University of California to receive grants of money thereunder for the benefit of the University of California agricultural experiment station.

[Approved by the Governor May 16, 1925.]

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

SECTION 1. The State of California hereby assents to the provisions of an act passed by the congress of the United States entitled "An act to authorize a more complete endowment of agricultural experiment stations and for other purposes, approved February 24, 1925," and authorizes the regents of the University of California to receive grants of money authorized by the act for the benefit of the University of California agricultural experiment station and to use the same in accordance with the terms and conditions expressed in the act of congress aforesaid.

CHAPTER 164.

An act to add section three hundred nine and one-half to the Civil Code, relating to the authorization of the distribution of the capital stock or capital assets of a corporation among its stockholders, and the procedure therefor.

[Approved by the Governor May 18, 1925.]

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

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

Distribution
of capital
stock or
capital
assets.

309½. The directors of a corporation may apply to the commissioner of corporations for a permit to divide, withdraw, or pay or distribute among the stockholders or any of them, any part of the capital stock, or any property of the corporation other than dividends from the surplus profits arising from the business thereof. Any such application shall be in writing and shall set forth the amount of the authorized capital stock, the amount of the subscribed capital stock, the total value of the assets and the total amount of the existing indebtedness and shall further state, that after such creation of indebtedness, or division, withdrawal, payment, or distribution, the assets of the corporation taken at their reasonable value will be not less than the amount of the subscribed capital stock over and above the total indebtedness of the corporation; *provided, however*, that in the case of a corporation in liquidation applying for a permit to distribute a portion of its assets in lieu of this last and further statement the application shall state that the corporation is in process of liquidation, that it is not engaged, and does not propose to engage in business other than such as is appropriate or incidental to such liquidation, and that after such distribution the assets of the corporation taken at their reasonable value will be at least sufficient to pay and discharge the existing indebtedness and all future anticipated indebtedness of the corporation. The application shall further state that the holders of at least two-thirds of the subscribed capital stock have consented thereto either by instrument in writing filed with the secretary of such corporation or by vote at a meeting of the stockholders called for that purpose. The application shall be in such form and contain such additional information as the commissioner shall prescribe and shall be signed by the president and secretary or a majority of the board of directors of the corporation and shall be verified in the same manner as a complaint in a civil action, and no permit shall be issued except upon an application so filed and payment of the fees therefor and the cost of the publication or posting of notice hereinafter provided. Upon the filing of the application the commissioner must give notice thereof once a week for two successive weeks by publication in some newspaper published in the county of the principal place of business of the corporation, or if there be no such newspaper by notices posted in three public places in the county. Any creditor of the corporation may file with the commissioner written objections to the granting of such permit, verified in the same manner as an answer in a civil action, and also state therein an address to which any notice provided hereby may be mailed. At the expiration of said two weeks, if no objection be so filed, the commissioner shall hear and determine said application, but if any objection be so filed and not withdrawn in writing the commissioner shall in writing notify the corporation thereof which may within thirty (30) days thereafter apply to the

Notice.

Hearing.

superior court of said county for a writ of mandate to compel the issuance of said permit, otherwise said application shall be deemed abandoned without prejudice to another or similar application upon like notice. In such mandate proceedings all such objecting creditors shall be joined with the commissioner as defendants and served with process and shall have the right to answer therein separately or jointly, but the commissioner need not file any pleading therein unless he so desires nor shall any judgment for damages or costs be rendered against him personally or against the state. If any defendant can not be served personally within the state service upon such defendant may be effected by service upon the commissioner who shall thereupon notify said defendant in writing of such service. In such mandate proceedings the burden shall be upon the corporation to establish its right to the issuance of such permit. If the court shall find that all the allegations required to be set forth in said application are true and that such permit may be issued without injury to any creditor it shall order the commissioner to issue such permit, otherwise it shall dismiss the proceedings; *provided*, that the court may upon a like finding order the issuance of a permit for a lesser amount than that applied for. Any party to said proceeding may appeal from the judgment therein as in other mandate proceedings except that notice of appeal shall be filed within ten days after notice of entry of judgment, and if not so filed said judgment shall become final. Upon the judgment becoming final a certified copy thereof shall be filed with the commissioner who shall proceed in accordance therewith; *provided*, that should anything occur between the filing of the application and the filing of said certified copy, affecting substantially the financial status of the corporation, and any creditor shall have filed with the commissioner written objections based thereon, and the commissioner shall find that such thing has so occurred and was not considered by the court he shall not issue his permit but shall refer the matter to said court which shall thereupon reopen said proceedings and render such judgment thereon as the circumstances and justice may require, from which judgment an appeal may be taken as in the case of the original judgment. Any permit granted to a corporation in liquidation shall state on its face the amount of the subscribed capital stock, the amount of the assets and indebtedness which will remain after such distribution is had thereof, and the amount of the capital stock which said corporation shall thereafter be deemed to have until changed by law, which said amount of capital stock shall be the total value of such remaining assets; *provided, however*, that in case the articles of incorporation of said corporation provided for shares of stock of different classes or preferences such provision therein shall be applied and be as effective as though there had been no reduction or change in the amount of the capital stock. Before any division, withdrawal, payment or distribution of assets

Mandate proceedings.

Appeal.

Judgment.

Corporation in liquidation.

Filing of copies of permit.

of a corporation is made, under any permit of the commissioner obtained as herein provided or any dividend is made under any such permit other than from the surplus profits arising from the business of the corporation, the corporation shall file in the office of the secretary of state a copy of such permit duly certified by the commissioner and shall also file a copy of such permit so certified in the office of the county clerk of the county of the principal place of business of the corporation and in the office of the county clerk of every county in the state in which the corporation holds real property.

CHAPTER 165.

An act to appropriate eight hundred eighty-seven and forty-two one-hundredths dollars to pay the claim of the city of Berkeley against the State of California for setting back the curbs, constructing concrete curbs and gutters, paving and widening the area and providing drainage on those portions of Telegraph avenue and Bancroft way fronting upon property of the University of California.

[Approved by the Governor May 18, 1925.]

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

✓
Appropriation: street improvements at Berkeley.

SECTION 1. That the sum of eight hundred eighty-seven dollars and forty-two cents (\$887.42) is hereby appropriated out of any money in the state treasury not otherwise appropriated to be paid to the city of Berkeley to reimburse the said city of Berkeley for widening the roadway by setting back the curbs, constructing concrete curbs and gutters, paving and widening the area and providing drainage on the north side of Bancroft way between Telegraph avenue and College avenue and on the east side of Telegraph avenue between Allston way and Bancroft way, all fronting on the property of the University of California.

CHAPTER 166.

An act appropriating money to pay the claim of A. Teichert and Company, against the State of California.

[Approved by the Governor May 18, 1925.]

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

✓
Appropriation: claim of A. Teichert & Co.

SECTION 1. The sum of six hundred twenty-nine dollars and seventy-two cents is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of A. Teichert and Company against the State of California.

CHAPTER 167.

An act appropriating money to pay the claim of L. F. Sinsheimer, against the State of California.

[Approved by the Governor May 18, 1925.]

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

SECTION 1. The sum of one hundred forty dollars and forty-one cents is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of L. F. Sinsheimer against the State of California.

Appropriation: claim of L. F. Sinsheimer.

CHAPTER 168.

An act to amend section two thousand eighty-six of the Political Code, relating to salaries in the office of the adjutant general's office.

[Approved by the Governor May 18, 1925.]

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

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

2086. The salary of the brigadier general of the adjutant general's department (the adjutant general) shall be five thousand dollars (\$5,000) per annum and his salary shall be paid in the same manner and at the same time as salaries of other state officers. He shall appoint and fix the salaries, subject to the approval of the board of control, of all such clerical, expert and technical assistants as may be necessary for the proper conduct of his office.

Salaries.

CHAPTER 169.

An act to repeal section six hundred thirty-two b of the Penal Code, relating to the use of salmon or steelhead roe as bait.

[Approved by the Governor May 18, 1925.]

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

SECTION 1. Section six hundred thirty-two b of the Penal Code is hereby repealed.

Repealed.

CHAPTER 170.

An act to repeal section six hundred thirty-two b of the Penal Code, relating to protection of Sacramento perch and to the protection of fish and game.

[Approved by the Governor May 18, 1925.]

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

SECTION 1. Section six hundred thirty-two b of the Penal Code is hereby repealed.

Repealed.

CHAPTER 171.

An act to repeal section six hundred twenty-six p of the Penal Code, relating to the protection of black sea-brant.

[Approved by the Governor May 18, 1925.]

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

Repealed. SECTION 1. Section six hundred twenty-six p of the Penal Code is hereby repealed.

CHAPTER 172.

An act to repeal section six hundred thirty-six and one-half of the Penal Code, relating to the protection of fish and game.

[Approved by the Governor May 18, 1925.]

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

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

CHAPTER 173.

An act authorizing the state director of institutions with the approval of the state board of control to grant to the county of Los Angeles for highway and road purposes the use of certain lands belonging to the State of California situated in Los Angeles county.

[Approved by the Governor May 18, 1925.]

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

Land along King road granted to Los Angeles county. SECTION 1. The state director of institutions is hereby authorized to grant to the county of Los Angeles the use of the following described land or so much thereof as may be necessary as a right of way for highway and road purposes: That portion of the one hundred twenty-four and three hundred eighty-nine thousandths acres of land designated as "lands to be conveyed to State Reform School" as shown on map recorded in book seven hundred twenty-four, pages two hundred sixty-six and two hundred sixty-seven of deeds, records of Los Angeles county, within a strip of land thirty feet wide, lying northerly of and adjacent to King road, as shown on map recorded in book two thousand and sixteen, pages one hundred fifty-five to one hundred fifty-seven of deeds, records of said county.

CHAPTER 174.

An act to repeal an act entitled "An act to provide for the redemption of property which has been heretofore sold to irrigation districts for delinquent assessments," approved March 10, 1891, relating to delinquent assessments and rates thereon.

[Approved by the Governor May 18, 1925.]

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

SECTION 1. An act entitled "An act to provide for the redemption of property which has been heretofore sold to irrigation districts for delinquent assessments," approved March 10, 1891, is hereby repealed.

Stats. 1891,
p. 53,
repealed.

CHAPTER 175.

An act to provide for the assessment, levy and collection of taxes for the support of the state government for the seventy-seventh and seventy-eighth fiscal years.

[Approved by the Governor May 18, 1925.]

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 twenty-five, for the support of the state government assess and levy taxes upon the property in the manner and upon the rates of taxation as provided for in the subdivisions (a), (b), (c), and (d), of section fourteen of article thirteen of the constitution of the State of California, or if any rate of taxation shall have been changed by the legislature pursuant to subdivision (f) of said section and article, then upon such rate of taxation as so changed and fixed, for the purpose of raising the sum of fifty-two million dollars for annual expenditure for the support of the state government for the seventy-seventh 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 fifty-two million dollars, then said above named revenues shall be deemed insufficient to meet the annual expenditures of the state for the seventy-seventh fiscal year, which deficiency is hereby declared to be the difference between the amount of taxes assessed and levied upon the property and in the manner and upon the rates of taxation hereinbefore specified, together with all other state revenues, other than those revenues required by law to be used for special uses, and said sum of fifty-two million dollars, then said state board of equalization, in accordance with the provisions of subdivision (e) of said section fourteen of article thirteen of the constitution of the State of California, at the time provided in section three

Assessment
and levy of
state taxes.

Sum to be
raised for
77th fiscal
year.

Ad valorem
tax.

thousand six hundred ninety-six of the Political Code, shall fix such an ad valorem rate of taxation for the said seventy-seventh fiscal year upon each one hundred dollars in value of taxable property, upon all the property in the State of California not exempt from taxation under the law and subject to taxation for state purposes on the seventh day of November in the year one thousand nine hundred ten, as, after allowing five per cent for delinquencies, will raise for said seventy-seventh fiscal year the amount of said deficiency.

Sum to be
raised for
78th 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 twenty-six, for the support of the state government, assess and levy taxes upon the property in the manner and upon the rates of taxation as provided for in subdivisions (a), (b), (c) and (d) of section fourteen of article thirteen of the constitution of the State of 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 by the laws now in force, for the purpose of raising the sum of fifty-two million dollars for annual expenditure for the support of the state government for the seventy-eighth fiscal year; and in the event that the taxes so assessed and levied, together with all available revenues other than those revenues required by law to be used for special uses, shall not raise the said sum of fifty-two million dollars, then said above named revenues shall be deemed insufficient to meet the annual expenditures of the state for the seventy-eighth fiscal year, which deficiency is hereby declared to be the difference between the amount of taxes assessed and levied upon the property and in the manner and upon the rates of taxation as hereinbefore specified, together with all other state revenues, other than those revenues required by law to be used for special uses, and said sum of fifty-two million dollars, then said state board of equalization, in accordance with the provisions of subdivision (e) of said section fourteen of article thirteen of the constitution of the State of California, at the time provided in section three thousand six hundred ninety-six of the Political Code, shall fix such an ad valorem rate of taxation for said seventy-eighth fiscal year upon each one hundred dollars in value of taxable property, upon all the property of the State of California not exempt from taxation under the law and subject to taxation for state purposes on the seventh day of November in the year one thousand nine hundred ten, as, after allowing five per cent for delinquencies, will raise for said seventy-eighth fiscal year the amount of said deficiency.

Ad valorem
tax.

Tax to meet
deficiency
levied on all
property.

SEC. 3. Any tax so levied and collected to meet a deficiency in state revenues for either of said fiscal years shall be assessed, levied and collected on all property in the state, not exempt from taxation, including the classes of property enumerated in section fourteen of article thirteen of the constitution of this state, under the provisions of the Political Code relating to the

assessment, levy and collection of state and county taxes as said provisions were in force on the seventh day of November in the year one thousand nine hundred ten.

SEC. 4. This act, inasmuch as it provides for a tax levy for the usual current expenses of the state, shall, under the provisions of section one of article four of the constitution of the State of California, take effect immediately.

In effect immediately.

CHAPTER 176.

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, as modified by the report of California debris commission, dated January 5, 1925, and providing the extent to which the State of California will contribute to the expense of executing the plan approved in said report, conditioned upon the United States assuming a corresponding obligation and further providing the purposes to which said expenditures made hereunder shall be applied.

1. (B).
313

[This bill is approved as an expression by the legislature of the policy of the State of California for cooperation by the state with the federal government and with local interests for controlling the flood waters of the Sacramento and San Joaquin rivers and their tributaries, for the improvement and preservation of navigation, and for the reclamation and protection of lands that are susceptible to overflow from said rivers. It is my distinct understanding, based on legal opinion, that it does not carry an appropriation and that it will not bind executives in the preparation of future state budgets. Dated: May 4, 1925. FRIEND WM. RICHARDSON, Governor.]

The people of the State of California do enact 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 twenty-seventh day of June, one thousand nine hundred eleven, as modified by the report of the California debris commission, dated January 5, 1925, and in course of transmission to the congress of the United States is hereby approved as a plan for controlling the flood water of the Sacramento and San Joaquin rivers and their tributaries, for the improvement and preservation of navigation and the reclamation and protection of lands that are susceptible to overflow from said rivers and their tributaries; *provided*, that nothing in the act contained shall be construed to affect any existing project, assessment or obligations of Sacramento and San Joaquin drainage district, or any action heretofore lawfully taken or powers heretofore lawfully exercised by the reclamation board; *and provided, further*, that nothing herein contained, shall be construed to limit or abridge the powers now vested in the reclamation board of California by the laws of this state, but it shall be the duty of the reclamation board in conjunction with the California debris commission to execute the plan herein approved; and there is hereby granted to said reclamation board power to make such modi-

Modified plan of California debris commission approved.

Reclamation board to execute plan.

fications and amendments to said plans as may be necessary to execute the same for the purpose herein stated.

Conditional
appropriations
by
state.

SEC. 2. For the purpose of cooperating in the carrying out and completion of said plan hereinbefore approved, and on condition that the United States will likewise cooperate in the carrying out of said plan and, to that end, will appropriate and make available to the extent that it has not already done so, substantially the same amount as the State of California as recommended in said plan, appropriations will be made by the State of California from time to time by law, which, together with amounts heretofore appropriated by said state in aid of said plan, will not exceed in the aggregate seventeen million seven hundred thousand dollars. The intent of this section is to provide for substantially equal contributions by the United States, the State of California and local interests to the total cost of carrying out said plan as recommended by California debris commission, it being recognized that certain local interests have already become obligated in excess of one-third of the total cost of said plan.

Expenditure
of appro-
priations.

SEC. 3. All money appropriated under authority of this act shall be expended in accordance with the plans, specifications and recommendations of the California debris commission and the state reclamation board and for purposes in general conformity with the plan hereinbefore approved, including expenditures and appropriations to make such equitable adjustments as the legislature may determine with such local interests as have already obligated themselves in excess of their shares of one-third of the total cost of said plan herein approved, and including also necessary expenditures for operation and maintenance during construction.

CHAPTER 177.

An act to repeal section six hundred twenty-two a of the Political Code, relating to the taxation of insurance companies operating in this state.

[Approved by the Governor May 18, 1925.]

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

Repealed.

SECTION 1. Section six hundred twenty-two a of the Political Code is hereby repealed.

CHAPTER 178.

An act appropriating money for painting and repairing the state capitol building.

[Approved by the Governor May 18, 1925.]

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

Appropriation:
work
on capitol.

SECTION 1. The sum of fifteen thousand dollars is hereby appropriated out of any money in the state treasury, not other-

wise appropriated, to be expended in accordance with law, in cleaning the granite, repairing roof and painting the state capitol building and state property at Sacramento.

CHAPTER 179.

An act to appropriate money for the purpose of transferring bodies from the old to the new cemetery of the state hospital at Stockton.

[Approved by the Governor May 18, 1925.]

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

SECTION 1. The sum of fourteen hundred dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purpose of transferring the bodies from the old to the new cemetery of the state hospital at Stockton. Appropriation: transfer of bodies.

CHAPTER 180.

An act appropriating money to pay the claim of R. B. Hale against the State of California.

[Approved by the Governor May 18, 1925.]

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

SECTION 1. The sum of ninety four thousand one hundred twenty-five dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay the claim of R. B. Hale, against the State of California. Appropriation: claim of R. B. Hale.

CHAPTER 181.

An act to amend the title and section one of an act entitled "An act to provide for work upon public roads, streets, avenues, boulevards, lanes and alleys, not within the territory of incorporated cities or towns; for the incidental establishment of grades thereof and the doing of work adjacent thereto which is incidental to the work thereon; for the issue of bonds representing the costs and expenses of said work; for the payment of said bonds by special assessment taxes raised in assessment districts, established for the purpose; and for county aid in such work," approved March 21, 1907, as amended, so as to include therein provisions for work upon streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property in unincorporated territory and also within incorporated cities whenever necessary or proper to complete or connect with any work outside thereof; for work upon streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other

public property forming the exterior boundaries of any municipality where such municipality joins unincorporated territory of a county whether partly or wholly within or without the boundaries of such municipality; for the incidental establishment, change or separation of grades thereof, and for the inclusion of the territory of any incorporated city or cities within the assessment district.

[Approved by the Governor May 18, 1925.]

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

Stats. 1921,
p. 312,
amended.

SECTION 1. That the title of that certain act entitled "An act to provide for work upon public roads, streets, avenues, boulevards, lanes and alleys, not within the territory of incorporated cities or towns; for the incidental establishment of grades thereof and the doing of work adjacent thereto, which is incidental to the work thereon; for the issue of bonds representing the costs and expenses of said work; for the payment of said bonds by special assessment taxes raised in assessment districts established for the purpose; and for county aid in such work," approved March 21, 1907, as the same was revised by chapter two hundred thirty-two of the statutes of 1921, is hereby amended to read as follows:

New title.

An act to provide for work upon public roads, streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property not within the territory of incorporated cities or towns; for work upon streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property inside of incorporated cities, whenever necessary or proper to complete or connect with any work outside thereof; for work upon streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property forming the exterior boundaries of any municipality where such municipality joins unincorporated territory of a county, whether partly or wholly within or without the boundary of such municipality; for the incidental establishment, change or separation of grades thereof, and the doing of work adjacent thereto which is incidental to the work thereon; for the issue of bonds representing the costs and expenses of such work; for the payment of such bonds by special assessment taxes raised in assessment districts established for the purpose; for the inclusion of the territory of any incorporated city or cities within such assessment district; and for county aid in such work.

Stats. 1921,
p. 312,
amended.

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

Road district
improvement:
powers of
supervisors.

SECTION 1. Power is hereby vested in the board of supervisors of every county in this state, by and under the procedure prescribed in this act, to order the construction or reconstruction in the whole or any part, either in length or width, of any one or more or all of the roads, streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property not within the territory of any

incorporated city or town, and to order the construction or reconstruction in the whole or any part, either in length or width, of any one or more or all of the streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property inside of any incorporated city or town, whenever in the judgment of said board such work or improvement within an incorporated city or town is necessary or proper to complete or connect with any work or improvement outside thereof, and to order the construction or reconstruction in the whole or any part, either in length or width, of any one or more or all of the streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property forming the exterior boundaries of any incorporated city or town where such incorporated city or town joins unincorporated territory of the county, whether partly or wholly within or without the boundaries of such incorporated city or town, of any or all of the following work or improvements: Grading or regrading, paving or repaving, planking or replanking, macadamizing or remacadamizing, graveling or regravelling, oiling or reoiling; sidewalks, crosswalks, steps, parks and parkways, culverts, bridges, curbs, gutters, tunnels, subways and viaducts; sanitary sewers or instrumentalities of sanitation, together with the necessary outlets, cesspools, manholes, catch basins, flush tanks, septic tanks, disposal plants, connecting sewers, ditches, drains, tunnels, conduits, channels and other appurtenances; drains, tunnels, sewers, conduits, and channels for drainage purposes, with necessary outlets, cesspools, manholes, catch basins, flush tanks, septic tanks, disposal plants, connecting sewers, ditches, drains, conduits, channels and appurtenances; any other work, improvement or structure deemed by said board necessary or proper either for the improvement or for the safe or convenient use of any of said roads, streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property, or incidental to any other work being done; and all other work auxiliary to any of the above or which may be required to carry out the same. Said board of supervisors shall have power to do the aforesaid things singly or in any combination of the same, and may include in one proceeding and contract any number of roads, streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way or public properties, or portions thereof, and the various items of the said work and construction need not be coterminous; and to issue bonds representing the cost and expenses of any said work or construction as in this act hereafter provided; and to constitute a fund for the payment of such bonds as in this act hereafter provided; and to levy special assessment taxes upon a district as in this act hereafter provided; and to establish said district and determine its boundaries as in this act hereafter provided; and to include within such district all or any portion of the territory of any incorporated city or town; *provided*, that the consent of the legislative body of any such city or town shall first be obtained for such inclusion;

and, as incidental to the exercise of the powers aforesaid, to establish the grade to which any work or improvement authorized in this act shall be constructed, and in such establishment to adopt any existing or official grade or to change the same and establish a different grade from that previously existing or officially established; and to separate the grade of any road, street, avenue, boulevard or alley from the grade of any other road, street, avenue, boulevard or alley or from the grade of any railroad or electric railway; and to transfer moneys from county funds to such special funds as are provided for in this act; and to purchase material and furnish the same to be used in the doing of any of the work above named; and to make direct contribution of money in part payment of the expense of any one or more or all of the improvements above named; all as provided in this act.

Inclusion of
incorporated
territory.

In the event that said board of supervisors shall include in the proceeding any work or improvement upon any one or more streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way or other public property, lying inside of any incorporated city or town, or forming the exterior boundary of an incorporated city or town and lying within the limits of such incorporated city or town, the consent of the legislative body of such city or town shall first be obtained for the use for such purpose of the streets, avenues, boulevards, lanes, alleys, courts, places, rights of way and other property, or such portion thereof, as are to be improved as above provided.

Prohibited
work.

But the said board of supervisors is hereby prohibited from doing, under the provisions of this act, any work, except grade separation, sewer or drain work, within the roadway of any railroad or within any area which by law is required to be kept in order or repair by any person or company having railroad tracks thereon, and this prohibition shall have the effect of excepting the prohibited work from that described in any resolution of intention in any proceeding under this act, and of charging all persons with notice of such exception or exclusion, and such exception of said prohibited work need not be made in any such resolution of intention.

CHAPTER 182.

An act to add a new section to the Civil Code to be numbered four hundred fifty-three hh, defining and regulating the business of land value insurance, declaring the conditions on which land value insurance may be done and providing penalties for violation of the provisions of this act.

[Approved by the Governor May 18, 1925.]

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 four hundred fifty-three hh, and to read as follows:

453hh. Any corporation formed for the purpose of insuring or guaranteeing land values by policies of insurance, or otherwise, shall be deemed to be land value insurance corporations. Land value insurance corporations.

Every land value insurance corporation 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 corporation, and to compel compliance with the provisions of law governing any such corporation. Regulation.

Such corporations shall have a capital stock of not less than one hundred thousand dollars. Capital.

Such capital stock of one hundred thousand dollars, or more, shall be deposited with the treasurer of the State of California before the corporation shall commence actual business operation. Any such deposit may be made in lawful money of the United States or any of the securities specified in subdivisions one of section four hundred twenty-one, of the Civil Code of the State of California. Said money or securities shall be first approved by the insurance commissioner, and upon his written order, deposited with the state treasurer as a guarantee fund for the security of any contracts, agreements or policies insuring land values and said treasurer shall give his receipt therefor, and thereafter shall hold such deposits of money or securities for the security and protection of the holders of, or beneficiaries under, any policy of insurance issued by said corporation, 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 insurance commissioner, be withdrawn or exchanged from time to time for other like securities or lawful money, receivable as aforesaid. Deposit with state treasurer.

So long as the 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 thereof by said state treasurer only on the order of a court of competent jurisdiction and for the security and protection of the holders of such policies of insurance. Use of deposit.

Before any license to do business in this state is issued to any land value insurance corporation, there shall be filed in the offices of the insurance commissioner the certificate of an actuary or statistician that he has examined the actuarial tables of the corporation making application for such license and that in his opinion the premiums to be charged are adequate to meet the proper reserve. Such premiums shall not Premiums.

be decreased without the permission of the insurance commissioner.

Reserve fund.

Every land value insurance corporation operating within the State of California shall create and maintain a reserve fund of at least thirty-three and one-third per cent ($33\frac{1}{3}\%$) of all premiums collected by the corporation which shall be invested in such securities as are specified in section four hundred and twenty-one of the Civil Code of the State of California, which shall be held intact during the time the policy of insurance, from which such premiums are collected, shall remain in force. The insurance commissioner may in his discretion require the above reserve fund to be deposited with the state treasurer as part of the guarantee fund above provided.

Supplemental reserve.

During the first three years of operation of the corporation, there shall be maintained a supplemental reserve amounting to sixteen and two-thirds per cent ($16\frac{2}{3}\%$) of all premiums collected. Said supplemental reserve shall be invested in such securities as are specified in subdivision one, two, three, four and five of section four hundred and twenty-one of the Civil Code of the State of California. After the said three-year period shall have elapsed, upon proper showing by the company that the thirty-three and one-third per cent ($33\frac{1}{3}\%$) reserve fund is sufficient to amply protect all policy holders of the corporation, the insurance commissioner may in his discretion release any or all of the supplemental reserve as herein provided.

Authority to do business.

No corporation shall make any contract or policy of insurance affecting values of real estate or engage in the business of land value insurance 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 land value insurance company.

Limitation of liability.

All policies of land insurance shall be limited to the insuring of the value of lots and parcels of land, exclusive of any improvement thereon other than grading, street work, sidewalks and sewers, and no such policy of insurance shall provide for any liability in excess of the actual purchase price, paid or agreed to be paid in any bona fide sale or agreement of sale of such lots or parcels next immediately preceding the issuance of said policy, and in no event shall the liability provided in any such policy exceed the sum of five thousand dollars.

Forms.

The forms of all agreements for, or policies of, land value insurance must first be submitted to and approved by the insurance commissioner.

Appraisal of land.

No such agreement or policy shall be issued until the land to be insured has first been appraised by some appraiser or appraisers designated, appointed or approved by said commissioner, and a duplicate original of such appraisement together with the certificate of appraiser or appraisers, certifying that in his or their opinion the amount of land value insurance to be placed thereon is safe and proper, shall have been filed with said commissioner.

No loans shall be made by any land value 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 directors. No loans to officers, etc.

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. Misdemeanor.

No officer or director of this company shall be interested in any policy of insurance whereby the value of any land or property is insured in which such officer or director is or may hereafter become interested. Interest of officers.

Twenty-five per cent of the net earnings shall be set aside annually as a capital surplus fund until the capital stock, together with such capital surplus fund shall amount in the aggregate to the sum of five hundred thousand dollars. After said sum of five hundred thousand dollars as capital and capital surplus shall have been reached, then ten (10) per cent of the net earnings shall be set aside annually until the capital and capital surplus account of said company shall amount in the aggregate to the sum of one million dollars. Capital surplus fund.

Every land value insurance company shall make a report in writing to the insurance commissioner, which report shall be made semiannually and shall be verified by the oath of its president or vice president and its secretary or treasurer, or any two of its principal officers. Such report shall contain a statement of each new contract or policy of insurance issued since the last report, setting forth in detail a description of the property covered by such contract, the appraised value of the property and the amount of insurance, and the rate charged. Semiannual report.

Any person or corporation violating any of the terms and conditions of this act shall be deemed to have committed a felony under the laws of the State of California and shall be punishable by a fine of not more than five thousand dollars, or imprisonment for not more than five years, or both. Felony.

CHAPTER 183.

An act to add a new section to the Penal Code to be numbered five hundred six b, relative to embezzlement by insurance agents and brokers.

[Approved by the Governor May 18, 1925.]

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

SECTION 1. A new section is hereby added to the Penal Code to be known as section five hundred six b, and to read as follows:

506b. An insurance agent or broker, whether licensed or unlicensed, who fraudulently converts to his own use or, with the intention to fraudulently convert to his own use, takes, Embezzlement by insurance agent or broker.

secretes, withholds, appropriates, or otherwise uses or applies any money or substitute for money received by him as such agent or broker, contrary to the instructions or without the consent of the company or the person for or on account of which the same was received by him, shall be guilty of embezzlement.

CHAPTER 184.

An act to amend section four hundred twenty-four of the Civil Code, relating to the capital stock of fire and marine insurance corporations.

[Approved by the Governor May 18, 1925.]

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

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

Capital stock
to be
paid up.

424. The capital stock of every fire and marine insurance corporation required by provisions of section five hundred ninety-four of the Political Code must be paid up in cash within twelve months from the filing of the articles of incorporation, and no policy of insurance must be issued, or risk taken, until such capital stock is paid up.

CHAPTER 185.

An act to add a new section to the Political Code, to be numbered five hundred ninety-five a, relating to the retirement of insurance companies from this state and the reinsurance of their risks.

[Approved by the Governor May 18, 1925.]

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 five hundred ninety-five a, and to read as follows:

Approval of
reinsurance
plans.

595a. No insurance company, impaired, insolvent, or retiring from business in this state, shall reinsure its business until its plan to effect such reinsurance shall have been first submitted to the insurance commissioner and approved by him.

CHAPTER 186.

An act to amend section six hundred thirty-one a of the Political Code, relating to the publication of notice of withdrawal of insurance companies from this state.

[Approved by the Governor May 18, 1925.]

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

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

631a. Whenever any insurance company shall have withdrawn from business in this state, and whenever for any reason the insurance commissioner shall have revoked or cancelled the certificate of authority authorizing any insurance company to do business in this state, the insurance commissioner shall cause to be published, in each of two daily newspapers, one published in San Francisco and one published in Los Angeles, a notice of such revocation or of such withdrawal. The expense of such publication shall be paid by the insurance company withdrawing or whose certificate of authority shall have been so revoked. Upon the failure of such company to pay the fees for advertising such withdrawal or notice of revocation within the period of thirty days following the presentation of the bill therefor, the insurance commissioner shall collect such fee from the company named as surety in the bond furnished in accordance with the provisions of section six hundred twenty-three of the Political Code.

Publication
of notice of
withdrawal.

CHAPTER 187.

An act to add a new section to the Civil Code, to be numbered two thousand six hundred, relating to policies of insurance and to insurance companies issuing or guaranteeing combination insurance policies.

[Approved by the Governor May 18, 1925.]

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 two thousand six hundred, and to read as follows:

2600. Every insurance company shall conduct its business in this state in its own name, and the policies and contracts of insurance issued by it shall be headed or entitled by such name, and the name of the company must be printed on each policy in large bold type; *provided, however*, that the above requirement shall not apply to any insurance company or companies authorized to do business in this state and issuing an underwriter's policy under a name or title approved by and registered with the insurance commissioner of this state. Such company or companies proposing to issue an underwriter's policy or any policy under a name differing from that of the insuring company or companies, must first file the name or title under which said policy is to be issued with the insurance commissioner and pay a registration fee of ten dollars, providing that said name or title shall not be similar to that of, or used by, any other company or companies authorized to do business in this state. Such underwriter's policy must clearly show the names of the companies guaranteeing the same, the severalty of the contract, and also the proportion of the premium to be paid to each insurer therein, and the proportion of liability which each assumes.

Names used
by insurance
companies.

CHAPTER 188.

An act to amend section five hundred ninety-four and one-half of the Political Code, relating to organizations which grant annuities.

[Approved by the Governor May 18, 1925.]

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

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

Organiza-
tions that
may receive
grants
and pay
annuities.

594½. Any charitable, religious, benevolent or educational society, corporation, institution or association (pecuniary profit not being its object or purpose) which shall have been in active operation for at least ten years and every corporation, institution, association, or person maintaining homes for the aged for pecuniary profit, and which has obtained from the insurance commissioner a permit or certificate of authority so to do, may receive grants of property, real or personal, conditioned upon its agreement to pay an annuity to the grantor, or any other person or persons designated by the grantor.

Reserve
funds.

Upon granting to such society, corporation, institution or association a permit or certificate of authority to receive such grants, the insurance commissioner shall require such society, corporation, institution or association to establish and maintain a reserve fund in accordance with the standard of valuation based upon McClintock's table of mortality among annuitants and interest assumption at three and one-half per cent per annum, and for any failure on the part of such society, corporation, institution or association to establish and maintain such reserve fund, the insurance commissioner shall revoke such permit or certificate of authority.

Agreements.

Every person, society, corporation, institution or association which has obtained a permit or certificate of authority to receive grants of property under this act, shall file with the insurance commissioner a true and complete copy of each agreement entered into between such society, corporation, institution or association and such grantor, which agreement must show the value of the property granted, the amount or amounts of the annuity or annuities agreed to be paid to the grantor or other person or persons designated by the grantor, the manner in which, and the intervals at which, such annuity or annuities are to be paid, and the reasonably commensurate value, as of the date of such agreement, of the benefits thereby created, which reasonably commensurate value shall in no case exceed by more than fifteen per cent the net single premium for such benefit or benefits as determined in accordance with the standard of valuation herein prescribed.

Such society, corporation, institution or association shall be otherwise exempt from the insurance laws of this state.

CHAPTER 189.

An act to amend section four hundred fifty-three t of the Civil Code, relating to the guarantee fund and investments of title insurance corporations.

[Approved by the Governor May 18, 1925.]

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

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

453t. Every title insurance company, before issuing any guarantee or policy of insurance, shall deposit with the state treasurer, as herein provided, as a "guarantee fund" for the security and protection of the holders of, or beneficiaries under, such guarantees or policies of insurance, one hundred thousand dollars. Any such deposit may be made either in lawful money of the United States or in any of the securities specified in subdivision one, except those securities mentioned in subsection (h) thereof, of section four hundred twenty-one of this code. Said money or securities shall be first approved by the insurance commissioner, and upon his written order, deposited with the state treasurer for the purpose herein specified, and said treasurer shall give his receipt therefor, and thereafter, subject to the provisions of this chapter, shall hold such deposits of money or securities for the security and protection of the holders of or beneficiaries under, any guarantee or policy of insurance issued by such company, 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 insurance commissioner, be withdrawn or exchanged from time to time for other like securities, or lawful money, receivable as aforesaid. So long as the 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 thereof by said state treasurer only on the order of a court of competent jurisdiction and for the security and protection of the holders of such guarantees and policies of insurance. When any part of the securities so deposited with the state treasurer consists of notes or bonds secured by mortgage or deed of trust, or in loans upon real property secured by mortgage or deed 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 guarantee or policy of title insurance, and such evidence of title shall be examined and approved by or

Guarantee fund.

Approval and custody.

Interest and dividends.

Mortgages.

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 appraisal, shall be paid by the title insurance 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; *provided*, that as to any part of the securities so deposited with the state treasurer which consists of notes or bonds secured by mortgage or deed of trust, payment of which is guaranteed by a policy of mortgage insurance, or of mortgage participation certificates, issued by a mortgage insurance company in accordance with the provisions of chapter eight of title two of part four of division first of the Civil Code, such evidence of title need not be required. 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, 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.

Capital
invested
in plant.

CHAPTER 190.

An act appropriating money for expenditure as directed by the division of water rights of the department of public works of the State of California in aiding the department of interior of the United States in stream gaging work in the State of California.

[Approved by the Governor May 18, 1925.]

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

Appropriation:
stream
gaging work.

SECTION 1. The sum of twenty thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to be expended as directed by the division of water rights of the department of public works of the State of California in aiding the department of the interior of the United States in stream gaging work in the State of California from July 1, 1925, to July 1, 1927.

SEC. 2. Said money shall be expended only upon claims approved by the division of water rights and the department of public works of the State of California. The state controller is hereby authorized and directed to draw his warrants from time to time on the state treasury in payment of said claims and the state treasurer is hereby directed to pay the same. Payment of claims.

CHAPTER 191.

An act appropriating money to pay the claim of J. B. Enright against the State of California.

[Approved by the Governor May 18, 1925.]

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

SECTION 1. The sum of one thousand one hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of J. B. Enright against the State of California. Appropriation: claim of J. B. Enright.

CHAPTER 192.

An act to amend sections sixteen and eighteen and one-half of an act entitled "An act to provide for the organization and management of county fire insurance companies," approved April 7, 1897, as amended, relating to standard form of policy of insurance.

[Approved by the Governor May 18, 1925.]

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

SECTION 1. Section sixteen of an act entitled "An act to provide for the organization and management of county fire insurance companies," approved April 1, 1897, as amended, is hereby amended to read as follows: Stats. 1917, p. 164, amended.

Sec. 16. Any member of such company may withdraw therefrom by surrendering his policy for cancellation at any time during the life of the policy and while the company continues the business for which it was organized by giving notice in writing to the secretary thereof and by paying his share of all claims that may exist against the company on the day of cancellation; *provided*, that this company shall have power to cancel or terminate any policy by giving the insured ten days written notice to that effect either in person or by registered mail to his last post office address, or if this is not known, then to the address given upon the application blank which is a part of this policy and by returning to him in the same manner by check or otherwise any excess premium he may have paid during the term of this policy, over the cost of his insurance as measured by the rate of standard fire insurance companies doing business in this state. Also, in case of cancellation by this company it must also notify in the same manner any Withdrawals.

Cancellations.

holder of a mortgage or deed of trust whose name appears either on the signed application which is a part of this policy or upon a paster or otherwise upon this policy or the party named to whom loss if any is payable to-----.

Stats. 1921,
p. 1532,
amended.

Form of
county fire
insurance
policy.

SEC. 2. Section eighteen and one-half of said act is hereby amended to read as follows:

Sec. 18½. The following is adopted as a standard form of county fire insurance company's policy for the State of California.

CALIFORNIA STANDARD FORM COUNTY FIRE INSURANCE POLICY.

No. ----- Amount \$----- Rate ----- No other insurance permitted except by agreement indorsed hercon or added hereto. (Here insert name of company, and place of its main office in California, and name of the county in which incorporated or organized.) By this policy of insurance the ----- of ----- county, in consideration of ----- dollars, and the obligation as described herein and in application, does accept as a member and insures ----- against loss or damage by fire during a term of ----- years, commencing at noon on the ----- day of -----, one thousand nine hundred and -----, and terminating at noon on the ----- day of -----, one thousand nine hundred and -----, to the amount of ----- dollars on the following property, to wit: (Blank space for the attachment of forms.) For a more particular description, and as forming a part of this policy, reference is had to application No. ---- on file in the office of this company.

This company will not be liable beyond the actual cash value of the interest of the insured in the property at the time of loss or damage nor exceeding what it would then cost the insured to repair or replace the same with material of like kind and quality; said cash value to be estimated without allowance for any increase cost of repair or reconstruction by reason of any ordinance or law regulating repair or reconstruction of buildings, and without compensation for loss resulting from interruption of business or manufacture.

This policy is made and accepted subject to the foregoing stipulations and conditions and those hereinafter stated, which are hereby specifically referred to and made a part of this policy, together with such other provisions, agreements or conditions as may be indorsed hercon or added hereto, and no officer, agent, or other representative of this company shall have the power to waive any provision or condition of the policy except by writing indorsed hereon or added hereto, and no person unless duly authorized in writing shall be deemed the agent of this company.

The charter and by-laws of this company are to be resorted to and used to explain the rights and obligations of the parties hereto in all cases not herein otherwise especially provided for, and are hereby made a part of this policy. This policy is made and accepted upon the above expressed condition.

This policy shall not be valid until countersigned by the duly authorized secretary of the company at -----, California.

In witness whereof, this company has executed and attested these presents (here insert the name of company) by -----, president. Countersigned at -----, California, this -----, day of -----, one thousand nine hundred -----, -----; secretary.

STIPULATIONS AND CONDITIONS SPECIALLY REFERRED TO.

Property not covered. (a) This company shall not be liable for loss to accounts, bills, currency, evidence of debt or ownership of other documents, money, notes, or securities; not (b) unless liability is specifically assumed hereon, for the loss of bullion, casts, curiosities, drawings, dies, jewels, manuscripts, medals, models, patterns, pictures, scientific apparatus, business or store or office furniture or fixtures, sculptures, frescoes and decorations, or property held on storage or for repair. Stipulations and conditions.

This company shall not be liable for loss by (a) theft, or (b) neglect of the insured to use all reasonable means to save and preserve the property at and after a fire, or when the property is endangered by fire; or (c) (unless fire ensues, and in that event the damage by fire only) by explosion of any kind or lightning; or (d) by invasion, insurrection, riot, civil war, or commotion, or (except as hereinafter provided) by military or usurped power, or order of any civil authority, but the company will be liable, unless otherwise provided by indorsement hereon or added hereto, if the property is lost or damaged, by fire or otherwise, by civil authority or military or usurped power exercised to prevent the spread of fire not originating from a cause excepted hereunder and which fire otherwise probably would have caused the loss of or damage to the insured property.

This entire policy shall be void. (a) if the insured has concealed or misrepresented any material fact or circumstances concerning this insurance or the subject thereof; or (b) in case of any fraud or false swearing by the insured touching any matter relating to this insurance or the subject thereof, whether before or after a loss. Matters voiding policy.

Unless otherwise provided by agreement indorsed hereon or added hereto this entire policy shall be void, (a) if the insured now has or shall procure any other insurance, whether valid or not, on property covered in whole or in part by this policy, or (b) if the interest of the insured be other than unconditional and sole ownership, or (c) if the subject of insurance be a building on ground not owned by the insured in fee simple, (d) if with the knowledge of the insured foreclosure proceedings be commenced or notice given of sale of any property covered by this policy by virtue of any mortgage or trust deed, or (e) if this policy be assigned before a loss.

**Matters
suspending
insurance.**

Unless otherwise provided by agreement indorsed hereon or added hereto this company shall not be liable for loss or damage occurring (a) while the hazard be materially increased by any means within the control of the insured; or (b) if the subject of insurance be a manufacturing establishment, while it is operated in whole or in part at night later than ten o'clock or while it ceases to be operated beyond the period of ten consecutive days; or (c) while mechanics or artisans are employed in building or altering or repairing the described premises for more than fifteen days at any one time; or (d) while illuminating gas or vapor be generated in the described building (or adjacent thereto) for use therein; or (e) while there be kept, used or allowed on the described premises (any usage or custom of trade or manufacture to the contrary notwithstanding), calcium carbide, phosphorus, dynamite, nitroglycerine, fireworks or other explosive; or exceeding one quart each of benzine, gasoline, naphtha or ether; or more than twenty-five pounds of gunpowder; or (f) while a building herein described whether intended for occupation by owner or tenant is vacant or unoccupied beyond the period of ten (10) consecutive days; (g) while the interest in, title to or possession of the subject of insurance is changed excepting: (1) by death of the insured; (2) change of occupancy of building without material increase of hazard; and (3) transfer by one or more several co-partners or co-owners to the other.

Such suspension shall not extend beyond the term of this policy nor create any right for refund of the whole or any portion of premium, nor affect the respective rights of cancellation.

**Chattel
mortgage.**

Unless otherwise provided by agreement in writing indorsed hereon or added hereto this company shall not be liable for loss or damage to any property insured hereunder while encumbered by a chattel mortgage, but the liability of the company upon other property hereby insured shall not be affected by such chattel mortgage.

**Fallen
building
clause.**

Unless otherwise provided by agreement indorsed hereon or added hereto, if a building or any material part thereof fall, except as the result of fire, all insurance by this policy on such building or its contents shall immediately cease.

**Removal
when
endangered
by fire.**

Should any of said property be necessarily removed because of danger from fire, and there is no other insurance thereon, that part of this policy in excess of the value of the insured property remaining in the original location, or, if there is other insurance thereon, that part of this policy in excess of its proportion of the value of the insured property remaining in the original location, shall, for the ensuing five days only, cover the said removed property in its new location or locations.

Cancellation.

This policy may be canceled and the insured as a member of this company may withdraw therefrom by the insured surrendering his policy for cancellation at any time during the life of the policy and while the company continues

the business for which it was organized, by giving notice in writing to the secretary thereof and by paying his share of all claims that may exist against the company on the day of cancellation; *provided*, that this company shall have power to cancel or terminate any policy by giving the insured ten days written notice to that effect either in person or by registered mail to his last post office address or if this is not known then to the address given upon the application blank which is a part of this policy and by returning to him in the same manner by check or otherwise any excess premium he may have paid during the term of this policy, over the cost of his insurance as measured by the rate of standard fire insurance companies doing business in this state.

Also, in case of cancellation by this company it must also notify in the same manner any holder of a mortgage or deed of trust whose name appears either on the signed application which is part of this policy or upon a paster or otherwise upon this policy or the party names "to whom loss if any is payable to -----."

Notice to holder of mortgage.

This company may give its consent in writing allowing the assignment of this policy upon the bona fide sale of the property insured herein; *provided*, within thirty days from the transfer of the title to title to the within property and upon the assignment thereof said purchaser or his agent signs an agreement becoming a member and accepting the conditions of the within policy; otherwise this policy to be null and void, except as to holders of a mortgage or deed of trust.

Assignment.

The insured who may sustain loss or damage by fire shall immediately notify the president, or in his absence, the secretary of this company, stating the amount of damage or loss sustained or claimed and if not more than one thousand five hundred dollars then the president and secretary shall proceed to ascertain the amount of such loss or damage and adjust the same. If the claim for damage or loss be for an amount greater than one thousand five hundred dollars, then the president of this company, or in his absence, the vice president, or in the absence of both the secretary thereof, shall forthwith convene the board of directors of said company, whose duty it shall be when convened to adjust the same. If in either case there is a failure of the parties to agree upon the amount of such damage or loss they may submit the question of the amount of such loss to arbitration, and in that event the president of the company shall appoint one disinterested person to act as an arbitrator, and the claimant or insured shall appoint another, and if such two arbitrators fail to agree upon the amount of such loss, then they shall select a third disinterested person to act with them and such arbitrators so appointed shall have full authority to examine witnesses and to do all other things necessary to the proper determination of the amount of loss sustained by the claimant, and shall make their award in writing to the presi-

Adjustment of losses.

Arbitration.

dent of the company and to the insured, and such award, so as aforesaid made, shall be final as to the amount of loss sustained. The pay of said committee shall be three dollars per day for each day's services so rendered and five cents for each mile necessarily traveled in the discharge of their duties, which shall be paid by the claimant unless the award of such committee shall exceed the sum offered by the company in liquidation of such loss or damage, in which case such expense shall be paid by the company.

Option of company in case of loss.

This company may, at its option, take all or any part of the property for which insurance hereunder is claimed at its ascertained or appraised value, and may also, at its option, in satisfaction of its liability hereunder, repair, rebuild, or replace any building or structure or machine or machinery used therein, with other of like kind and quality, within a reasonable time, upon giving notice within twenty days of its intention so to do after the receipt by it of the preliminary proof of loss, or, if verified amendments have been requested, within twenty days after their receipt, or, within twenty days after the receipt of an affidavit that the insured is unable to furnish such amendments. There can be no abandonment to this company of any property.

Apportionment of loss.

This company shall not be liable under this policy for a greater proportion of any loss on the described property, or for loss by, and expense of, removal from the premises endangered by fire, than the amount hereby insured bears to the entire insurance covering such property whether valid or not, or by solvent or insolvent insurers.

Assessment for delinquency.

When the amount of any loss shall have been ascertained, which exceeds in amount the cash funds of the company, the president shall convene the directors of this company, who shall proceed in the manner as provided in section twelve of this act.

Notice of assessment.

It shall be the duty of the secretary, whenever assessment shall have been made, to immediately notify every person holding a risk in this company, personally, by an agent, or by letter directed to his usual post office address, of the amount of such loss, and the sum due from him, as his share thereof, and of the time and to whom such payment is to be made; but such time shall not be less than thirty days, nor more than ninety days from date of such notice.

Action for neglect or refusal to pay assessments.

An action may be brought against the member whose property is insured herein and this policy is automatically suspended if the insured shall not have paid, before it is delinquent, his portion of any assessment levied or other liability due this company for a period in excess of ninety days. The directors of this company who shall wilfully refuse or neglect to perform the duties imposed upon them by law or the by-laws of the company, shall be liable in their individual capacity to the person sustaining such loss. An action may also be brought and maintained against this company by members thereof for losses sustained if payment is with-

held after the amount of such losses have been determined and is due by the terms of the policy.

This company shall not be held to have waived any provision or condition of this policy of any forfeiture thereof, by assenting to the amount of the loss or damage or by any requirement, act or proceeding on its part relating to the appraisal or to any examination herein provided for. Nonwaiver.

If this company shall claim that the fire was caused by the act of any person or corporation, this company shall, upon payment of the loss be subrogated to the extent of such payment to all right of recovery by the insured for the loss resulting therefrom, and such right shall be assigned to this company by the insured on receiving such payment. Subrogation.

No suit or action on this policy for the recovery of any claim shall be sustained, until after full compliance by the insured with all of the foregoing requirements, nor unless begun within fifteen months next after the commencement of the fire. Time for commencement of action.

Wherever in this policy the word "insured" occurs, it shall be held to include the legal representatives of the insured in case of death, and wherever the word "loss" occurs, it shall be deemed the equivalent of "loss or damage," and wherever the words "the time of loss or damage" are used they shall be deemed the equivalent of "the time of the commencement of the fire." Definitions.

There shall be printed on the outside fold of said policy in type not smaller than small pica the following words in this form: Statement on outside of policy.

READ THIS POLICY.

Insurance company is liable only for actual cash value.

Policy is void in case of any fraud, false swearing, misrepresentation or concealment about material facts.

Policy is void, unless otherwise agreed in writing, if

1. It is assigned before loss;
2. Insured has or shall procure other insurance;
3. Any change occurs in location of property;
4. Insured building is on ground not owned in fee simple by the insured;
5. Insured is not sole and unconditional owner.

Policy is suspended unless otherwise agreed in writing, if

6. Described building becomes vacant or unoccupied for ten days;
7. Mechanics are employed more than fifteen days in repairing same;
8. Property is or becomes encumbered by chattel mortgage;
9. Illuminating gas or vapor is generated in or adjacent to described building;

10. Explosives or prohibited quantities of gasoline, etc. (except the gasoline contained in automobiles and gas engine tanks), as are kept on premises; *and provided, also*, that the insurance on live stock and automobiles shall cover wherever located at the time of the fire.

(Paster.)

Insurance ceases if described building or any material part falls except as result of fire.

Policy does not cover certain enumerated personal property.

Note particularly duty of insured in case of loss; also provisions avoiding or suspending policy, including changes of ownership or possession.

DWELLING-HOUSE AND CONTENTS POLICY FORM.

Dwelling house and contents form.

\$---- on the ----- dwelling-house and all its additions, foundations, porches, verandas and screens, including all permanent wall and ceiling decorations, frescoes, gas, steam, water, heating and lighting fixtures and connections, and all other permanent fixtures attached to and forming a part of the building, situate -----, California.

\$---- on household furniture, useful and ornamental, family wearing apparel, family stores and supplies, and all other personal effects of every kind and description (except accounts, bills, currency, evidences of debt or ownership, or other documents, money, notes, securities, bullion, drawings, dies, manuscripts, medals, models and patterns), including casts, curiosities, pictures, scientific apparatus and sculptures, the property of the insured or of any member of the insured's household, unless specifically insured, all contained in the above-described dwelling-house.

Loss, on building, if any, payable to -----.

Claim for loss on any one picture, piece of statuary, curiosity, or work of art, shall not exceed the cost of same, and unless specifically insured, shall not exceed one hundred dollars.

The privilege for the within described dwelling to remain vacant or unoccupied is hereby increased to thirty (30) consecutive days.

Permission is granted for mechanics or artisans to make alterations or repairs to the within described building for more than fifteen (15) days at any one time, and to build additions, this policy to cover on and in same under the respective items hereof.

Permission is hereby granted (when not prohibited by local ordinance) for the use of gasoline stoves or lamps, it being warranted by the insured that the reservoir attached to each stove or lamp be filled during daylight only, and then only when the stove or lamp is not in use. and that no artificial light be permitted in the room when the reservoir is being filled, and that no gasoline, except that contained in the reservoir, shall be kept within the building. A breach of this warranty renders this permit null and void.

Attached to policy No. ---- of the -----

Dated-----, 19-----

-----, Secretary.

(Paster.)

By special agreement indorsed on the policy or added thereto, the provisions regarding appraisalment or apportionment of loss may be waived and the valuations of all or any of the insured property in case of total loss may be agreed upon in advance of loss. Agreed valuation.

Said standard form of policy shall be plainly printed and no portion thereof shall be in type smaller than small pica and subheads shall be in type larger than pica, and the lines of the policy shall be numbered consecutively. Use of standard form.

All mutual fire insurance policies on property in California shall be on standard form, and except as herein provided, shall not contain additions thereto. No part of the standard form shall be omitted therefrom.

The blanks in said standard form shall be appropriately filled. The company may add to the standard form any matter relating to its financial condition, directors, officers, stockholders and history, and the address of its home office, and principal office in the state; also in red ink any provisions respecting any limitations of liability of the company, its stockholders or members which it is required or permitted by law of the state or county of its organization to insert in its policies.

Clauses may be added to the standard form providing for and defining the rights, duties, and obligations of mortgagees, assignees and other parties who have acquired or may acquire an interest in, right to or lien upon the insured property.

No clause shall be inserted or rider attached affecting the standard form liability of the insurer for loss or damage by fire occasioned either directly or indirectly by earthquake, hurricane, volcanic action or other disturbance of nature, unless the same shall be printed in red ink in type larger than small pica and at the head of the policy there shall be printed in red ink in large bold-faced type the words, "This policy contains limitations of liability not permitted in the California standard form."

Clauses may be added to the standard form (a) covering property and risks not otherwise covered; (b) assuming greater liability than is otherwise imposed on the insurer; (c) granting insured permits and privileges not otherwise provided; (d) waivers of any of the matters, voiding the policy or suspending the insurance; (e) waivers of any of the requirements imposed on the insured after loss.

Except as herein otherwise provided clauses may be attached to the standard form by separate riders in type larger than pica imposing specified duties and obligations upon the insured and limiting the liability of the insurer. Riders.

Penalty. Any insurer, or the agent countersigning or issuing a fire insurance policy covering in whole or in part property in California varying from the California standard form of policy except as herein provided is guilty of a misdemeanor, but any policy so issued shall, notwithstanding, be binding upon the company issuing the same.

CHAPTER 193.

An act to amend section four hundred fifty-three of the Civil Code, relating to insurance.

[Approved by the Governor May 18, 1925.]

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

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

**Formation
of
corporations.**

453e. Corporations may be formed to carry on the business of mutual insurance upon the assessment plan, and are subject only to the provisions of this chapter. No such corporation which may be hereafter formed may issue contracts of insurance until at least one thousand persons have applied, in writing, to the insurance commissioner, for membership or insurance therein, and have paid to the treasurer of such corporation the sum of twenty-five thousand dollars. This sum must be invested in bonds or securities, approved by the insurance commissioner of the state, or deposited in some bank in this state where it will earn interest. Said bonds or securities, or evidences of such deposit, must be placed through the insurance commissioner of this state, with the state treasurer, and the principal sum must be held in trust for the contract holders of such corporation, with the right in the corporation to exchange said bonds, securities, or evidence of bank deposit for others of like value. Such corporation must also, as a condition precedent to issuing any contracts of insurance, obtain the written certificate of the insurance commissioner that it has complied with the requirements of this chapter; and that the name of the corporation is not the same as that of any other corporation of this or other states, as indicated by the insurance department reports in his office; nor must the commissioner approve any name or title so closely resembling another as to mislead the public. No corporation formed hereunder has legal existence after one year from the date of its articles unless its organization has been completed and business commenced; nor shall any corporation or individual solicit, or cause to be solicited, any business, until such corporation has complied with the provisions of section six hundred thirty-three of the Political Code. Nothing in the chapter shall be construed to exempt any corporation from the provisions of sections two hundred ninety-six and two hundred ninety-nine of this code.

**Guaranty
fund.**

**Certificate of
insurance
commis-
sioner.**

**One year
limit.**

CHAPTER 194.

An act to amend section six hundred thirty-three c of the Political Code, relating to insurance.

[Approved by the Governor May 18, 1925.]

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

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

633c. No company transacting a life insurance business or a life insurance and accident and health or accident or health business or an accident and health business in this state shall pay or contract to pay, directly or indirectly, to the president, vice president, secretary, treasurer, actuary, medical director or other physician charged with the duty of examining risks or applications for life or accident and health insurance, or any or all of these classes of insurance, or any member of its board of directors or to any officer of the company other than its agent or solicitor, any commission or other compensation contingent upon the writing or procuring of any policy of life or accident and health or any or all of these classes of insurance in such company, or procuring an application therefor by any person whomsoever, or contingent upon the payment of any renewal premium or upon the assumption of any life, or accident and health, or any or all of these classes of insurance by such company, and shall any company violate the provisions of this section, it shall be the duty of the insurance commissioner to revoke its certificate of authority to do business in this state.

Officers not to receive commissions on policies.

CHAPTER 195.

An act to provide for the organization and management of reinsurance companies to reinsure the business of county fire insurance companies.

[Approved by the Governor May 18, 1925.]

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

SECTION 1. Any number of companies, not less than five, organized and operating under an act of the legislature of the State of California entitled "An act to provide for the organization and management of county fire insurance companies," approved April 1, 1897, and of the acts amendatory thereof, having risks they wish to reinsure, the total of which exceeds one hundred fifty thousand dollars, may incorporate for the purpose of mutual reinsurance against loss or damage by fire.

Organization of companies permissible.

SEC. 2. Such companies shall file with the insurance commissioners a declaration of their intentions to incorporate for the purpose expressed in section one of this act. The declaration shall be signed by the president and secretary of each of

Organization procedure.

the incorporators and shall be accompanied by a certified copy of a resolution passed by the board of directors of each of said companies to the effect that it is the desire of that company to become one of the incorporators, and shall also contain a copy of the articles of incorporation proposed to be adopted. The insurance commissioner shall examine the proposed articles of incorporation, and if they conform to this act, he shall deliver to such companies a certificate permitting them to incorporate as such reinsurance company, which shall contain a copy of the proposed articles of incorporation. Upon filing with the secretary of state, as required by section two hundred ninety-six of the Civil Code the certified copy of the articles of incorporation executed by the president or secretary of the company on behalf thereof as nearly as practicable as required by section two hundred ninety of the Civil Code, and the certificate above provided for, the secretary of state shall thereupon issue a certificate of incorporation to such reinsurance company, and upon organizing under such articles of incorporation, such reinsurance company may carry on a fire reinsurance business as hereinafter provided.

Directors.

SEC. 3. The number of directors shall not be less than five and shall be equal to the number of companies which are members of the reinsurance company. The manner of and time for increasing or diminishing the number of member companies and of the number of directors so that they shall be equal in number to the member companies shall be fixed in the by-laws. A majority of the directors shall constitute a quorum for the transaction of business and they shall be elected (one for each member company) from three delegates who shall be elected by the member company at its last annual meeting to represent it at all meetings of the reinsurance company. They shall be elected by ballot and shall hold office for one year, or until their successors have been elected and qualified. The annual meeting of the members of the company shall be held on the second Monday in February of each year. In the election of the first board of directors each member company shall be entitled to one vote. At every subsequent election, each of the three delegates from each member company shall be entitled to as many votes as there are directors to be elected, and he may cast the same in person or by proxy, distribute them among the directors to be elected or among a less number of directors, or cumulating them upon one candidate as he shall see fit.

Officers.

SEC. 4. The directors of the reinsurance company shall elect, from their own number, a president and a vice president, and an executive committee of three, and shall also elect a treasurer and a secretary, who may or may not be members of the company. All of such officers shall hold office for one year from the date of their election, and until their successors are elected and qualified.

Official bonds.

SEC. 5. The treasurer and secretary shall give bonds to the company for the faithful performance of their duties in such amounts as shall be prescribed by the board of directors.

SEC. 6. Such corporation and its directors shall possess the usual powers, and be subject to the usual duties of corporations and directors thereof, not inconsistent with the constitution and the laws of this state, as may be deemed necessary for the management of its affairs, in accordance with the provisions of this act; also, to prescribe the duties of its officers and fix their compensation.

Powers
and duties.

SEC. 7. Any county mutual fire insurance company in the State of California desiring reinsurance may become a member of the reinsurance company and shall be entitled to all the rights and privileges appertaining thereto.

Additional
members.

SEC. 8. All county fire insurance companies desiring to become members of such reinsurance company shall give their obligation to the company, binding themselves, their successors, and assigns to pay their pro rata share to the company of the necessary expenses and loss by fire which may be sustained by any member thereof during the time for which their respective policies may be written, and they shall also at the time of effecting the reinsurance pay such percentages and such other charges as may be required by law or by the rules and by-laws of the reinsurance company.

Obligations
of new
members.

SEC. 9. All such companies must classify the property reinsured therein at the time of issuing policies thereon under different rates, corresponding as nearly as may be to the several kinds of property insured.

Classification
of property.

SEC. 10. Any such company may write reinsurance on property located anywhere in the State of California that is insured in any county mutual fire insurance company organized and operating in the state. No such company shall at any time write reinsurance, subject to one fire or loss, in excess of five per cent of the total amount of reinsurance on its books at the time of accepting the risk.

Field of
operation.

Limit on
single loss.

All definitions as to "distances," "city or town block," "closely built up district," "one risk," and "clear space," by laws governing county mutual fire insurance companies shall be binding upon this company and shall prevail in the writing of all reinsurance.

Binding
definitions.

SEC. 11. Every member of such company who may sustain loss or damage by fire shall immediately notify the president or secretary thereof, stating the amount of damage or loss sustained or claimed, and if not more than one thousand five hundred dollars, then the president and secretary shall proceed to ascertain the amount of such loss or damage and adjust the same. If the claim for damage or loss be for an amount greater than one thousand five hundred dollars, then the secretary shall forthwith convene the executive committee, whose duty it shall be when convened, acting with the president and secretary, to ascertain the amount of such damage or loss and adjust the same. If in any case there is a failure of the parties to agree upon the amount of such damage or loss they may submit the question of the amount of such loss to arbitration, and in that event the president of the

Adjustment
of loss
or damage.

Arbitration.

company shall appoint one disinterested person to act as an arbitrator, and the claimant or insured shall appoint another, and if two such arbitrators fail to agree upon the amount of such loss, then they shall select a third disinterested person to act with them, and such arbitrators so appointed shall have full authority to examine witnesses and to do all other things necessary to the proper determination of the amount of loss sustained by the claimant, and shall make their award in writing to the president of the company, and to the insured and such award so as aforesaid made, shall be final as to the amount of the loss sustained. The pay of said committee shall be five dollars per day for each day's services so rendered, and five cents for each mile necessarily traveled in the discharge of their duties, which shall be paid by the claimant unless the award of such committee shall exceed the sum offered by the company in liquidation of such loss or damage, in which case such expense shall be paid by the company; *provided, however*, the president and secretary may secure the services of an adjuster to represent the company on any loss, subject to confirmation by the executive committee.

Expense.

Loss exceeding cash funds.

Loans.

Reserve fund.

Notice of assessment.

SEC. 12. When the amount of any loss shall have been ascertained, which exceeds in amount the cash funds of the company, the president shall convene the directors, who shall make an assessment upon all of the property to the amount for which each several piece of property is insured, taken in connection with the rate of premium under which it may be classified; except when the amount of such loss or losses does not exceed one-eighth of one per cent of the total amount of insurance in force then and in such event the directors may, by resolution in writing, signed by two-thirds of said directors in meeting assembled, borrow in the name of the company and give the company's note or other evidence of indebtedness therefor, an amount or amounts whose total shall not exceed at any time one-eighth of one per cent of the total amount of insurance in force in said company. The term of said loan or loans shall not be for a greater period than twelve months nor shall the date of maturity be in excess of thirty days beyond the date of the annual meeting of said company; *provided, further*, that the board of directors may at their annual meeting levy an assessment not to exceed twenty-five cents on the one hundred dollars of reinsurance, and said sum so raised shall constitute a reserve fund to be used in emergency cases only and another assessment for this fund shall not be made while this reserve fund remains intact.

SEC. 13. It shall be the duty of the secretary, whenever such an assessment shall have been made, immediately to notify every company holding a reinsurance risk in such company, by registered letter addressed to the secretary at his usual post office address, of the amount of such loss, and the sum due from such company as its share thereof, and of the time and to whom such payment is to be made, but such

time shall not be less than thirty days, nor more than ninety days from the date of such notice.

SEC. 14. An action may be brought against any member of such company who shall neglect or refuse to pay any assessment made upon it by the provisions of this act, or other liabilities due the company, and the directors of any company so formed who shall wilfully refuse or neglect to perform the duties imposed upon them by law or by the by-laws of the company shall be liable in their individual capacity to the company sustaining such loss. An action may also be brought and maintained against any such company by members thereof for losses sustained if payment is withheld after the amount of such losses have been determined, and is due by the terms of the policy.

Actions
against
company or
members.

SEC. 15. It shall be the duty of the secretary to prepare an annual statement, showing the condition of such company on the thirty-first day of December, and a supplemental report of the business of the company to January 31, and present the same at the annual meeting.

Annual
statement
and report.

SEC. 16. Any member of such reinsurance company may cancel any policy or policies by surrendering such policy or policies for cancellation at any time while the organization continues the business for which it was organized, by giving ten days' notice in writing to the secretary thereof, and paying its share of all claims that may exist against such company; *provided*, that the reinsurance company shall have power to cancel or terminate any policy by giving the insured ten days' written notice to that effect, and returning to it any excess of premium it may have paid during the term of the policy over the cost of its reinsurance as measured by the rules or methods of standard fire insurance companies doing business in this state.

Cancellation
of policies.

SEC. 17. It shall be the duty of the president and secretary within thirty days after the first day of January in each year, to prepare, under their own oath, and transmit to the insurance commissioner, a statement of the condition of the company on the last day of December of the preceding year. If, upon examination, the insurance commissioner finds that such company is doing business correctly, in accordance with the provisions of this act, he shall thereupon furnish the company his certificate, which shall be deemed authority to continue business during the ensuing year, subject, however, to the provisions of this act. For such examination and certificate the company shall pay ten dollars. Each company shall pay, at the time of organization, fifty dollars to the insurance commissioner, for all services which he shall render in the matter of organization.

Examination
of statements
to insurance
commissioner.

Fees.

SEC. 18. Any such company may be proceeded against and dissolved in the manner and upon the same conditions as provided in case of other insurance companies incorporated in this state.

Dissolution
of companies.

CHAPTER 196.

An act to amend section six of an act entitled "An act to provide for the organization and management of county fire insurance companies," approved April 1, 1897, as amended.

[Approved by the Governor May 18, 1925.]

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

Stats. 1897,
p. 440,
amended.

SECTION 1. Section six of an act entitled "An act to provide for the organization and management of county fire insurance companies," approved April 1, 1897, as amended, is hereby amended to read as follows:

Powers,
duties and
by-laws.

Sec. 6. Such corporation and its directors shall possess the usual powers, and be subject to the usual duties of corporations and directors thereof, and may make such by-laws not inconsistent with the constitution and the laws of this state, as may be deemed necessary for the management of its affairs, in accordance with the provisions of this act. Also to prescribe the duties of its officers and to fix their compensation, and to alter and amend its by-laws when necessary. It may also become a member of a mutual reinsurance company organized within the state for the purpose of reinsuring the risks of county mutual fire insurance companies.

CHAPTER 197.

An act appropriating money to pay the claim of the county of Sacramento against the State of California.

[Approved by the Governor May 18, 1925.]

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

Appropriation:
claim
of
Sacramento
county.

SECTION 1. The sum of two hundred forty-two dollars and sixty-five cents (\$242.65) is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of the county of Sacramento against the State of California.

CHAPTER 198.

An act appropriating money to pay the claim of Thomas Byrne, against the State of California.

[Approved by the Governor May 18, 1925.]

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

Appropriation:
claim
of Thomas
Byrne.

SECTION 1. The sum of four hundred seventy-two dollars and eighty-eight cents is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of Thomas Byrne against the State of California.

CHAPTER 199.

An act appropriating money to pay the claim of the Clark and Henery Construction Company, a corporation, against the State of California.

[Approved by the Governor May 18, 1925.]

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

SECTION 1. The sum of seven thousand two hundred thirty-seven dollars and ninety-one cents is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of the Clark and Henery Construction Company, a corporation, against the State of California.

Appropriation: claim of Clark & Henery Construction Co.

CHAPTER 200.

An act appropriating money to pay the claim of H. C. Harter against the State of California.

[Approved by the Governor May 18, 1925.]

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

SECTION 1. The sum of three thousand five hundred twenty dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of H. C. Harter against the State of California.

Appropriation: claim of H. C. Harter.

CHAPTER 201.

An act appropriating money to pay the claim of H. K. Landram, against the State of California.

[Approved by the Governor May 18, 1925.]

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

SECTION 1. The sum of two hundred and fifty dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of H. K. Landram against the State of California.

Appropriation: claim of H. K. Landram.

CHAPTER 202.

An act to amend section two thousand seventy-nine of the Political Code, relating to allowances to organizations of the California national guard.

[Approved by the Governor May 18, 1925.]

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

SECTION 1. Section two thousand seventy-nine of the Political Code 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 pur-

Allowances to organizations.

poses upon the warrant of the state controller to the commanding officer of each rifle, machine gun, regimental headquarters, regimental service and howitzer companies of infantry; to the commanding officer of each firing battery, combat train, regimental headquarters battery and regimental service battery of coast artillery; to the commanding officer of each firing battery, combat train and regimental headquarters battery of field artillery: to the commanding officer of each signal, military police, ordnance, service, motor transport and wagon company the sum of one hundred fifty dollars per month; to the commanding officer of each tank company, divisional air service unit including photo section, observation squadron and intelligence section, the sum of two hundred dollars per month; to the commanding officer of each brigade headquarters, brigade headquarters company, divisional headquarters company, battalion headquarters company of infantry the sum of one hundred twenty-five dollars per month; to the commanding officer of each regimental headquarters of infantry, coast artillery and field artillery and each division headquarters, the sum of two hundred dollars per month except should a regimental headquarters be organized before the regiment has been fully completed then such portion of the two hundred dollars as the adjutant general may deem necessary; to the commanding officer of each medical detachment attached to an infantry regiment, the sum of seventy-five dollars per month; to the commanding officer each medical detachment attached to coast or field artillery regiment, the sum of fifty dollars per month.

The sum so paid to the various commanding officers shall be used for armory rental, janitor service, clerical service, recruiting, care of arms and equipment and proper incidental expenses of company, troop, battery headquarters or detachment.

In case of unit of national guard or naval militia is organized under and by virtue of authority granted the commander-in-chief in section one thousand nine hundred twenty-five of this code, and an allowance is not otherwise provided therefore in this section the adjutant general is authorized to determine and fix a monthly allowance for such unit to be used for armory rent, clerical service, recruiting, care of arms and equipment, janitor service and proper incidental expenses. 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, or separate squadron, or naval militia, with the approval of each commanding officer through whose headquarters they are required to pass, direct to the adjutant general.

In all armories leased by the state as provided in section two thousand one hundred seven, Political Code, State of

California, the adjutant general, may, in his discretion, pay the rental or such portion of the rent thereof from funds under his control, as he may see fit, charging the organizations using said armory or armories as may, in his judgment, be equitable, and may deduct from the quarterly allowance to such organizations the rent so charged.

CHAPTER 203.

An act to amend section four hundred fifty-three l of the Civil Code, relating to filing of annual statements with insurance commissioner by assessment corporations.

[Approved by the Governor May 18, 1925.]

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

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

453l. Every corporation, whether domestic or foreign, doing the business of effecting insurance on the assessment plan must, annually, on or before the first day of March, file with the insurance commissioner, in such form as he may prescribe, a statement of its affairs for the year ending on the preceding thirty-first day of December. The insurance commissioner, in person or by duly authorized deputy, has the power of examination into the affairs of any domestic corporation doing business or claiming to do business under this chapter, at any time, in his discretion, and must make such examination at least once a year. If he, after an examination of the affairs of a corporation, finds that it is not doing its business in conformity to this chapter, or that it is doing a fraudulent or unlawful business, or that it is not carrying out its terms of contract, or that it can not, within three months from the date of notice of default, pay its obligations, he must cite the president, secretary, manager or general agent of the corporation, or all of them, to appear before him, stating the time and place, to show cause why the authority of the corporation to do business should not be revoked, and if cause is not shown, then he must report the facts to the attorney general of the state, who must commence proceedings in the proper court to restrain the corporation from doing any further business.

Examination
of
statements.

Revocation
of
licenses.

CHAPTER 204.

An act appropriating money to pay the claim of Harold E. Smith against the State of California.

[Approved by the Governor May 18, 1925.]

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

SECTION 1. The sum of one thousand two hundred fifty dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of Harold E. Smith against the State of California.

Appropriation:
claim
of
Harold E.
Smith.

CHAPTER 205.

An act making an appropriation for the purpose of carrying out the provisions of an act entitled "An act creating a state land settlement board and defining its powers and duties, and making an appropriation in aid of its operations," approved June 1, 1917, as amended.

[Approved by the Governor May 18, 1925.]

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

Appropriation: loan to land settlement fund.

SECTION 1. For the purpose of carrying out the provisions of an act entitled "An act creating a state land settlement board and defining its powers and duties, and making an appropriation in aid of its operations," approved June 1, 1917, as amended, the sum of two hundred fifty thousand dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, which sum shall be placed in and constitute a part of the land settlement fund, and is calculated to be returned to the general fund in the state treasury within a period of fifty years from the date of this appropriation going into effect, with interest at the rate of four per cent per annum on so much thereof as shall be withdrawn from said land settlement fund from the time of such withdrawal until returned into said land settlement fund, or until returned into the general fund of the state treasury, as the case may be. The state controller is hereby authorized and directed to draw warrants upon the land settlement fund from time to time upon demand of the state land settlement board, approved by the state board of control, and the state treasurer is hereby authorized and directed to pay such warrants.

CHAPTER 206.

An act to amend sections three, seventeen, eighteen and nineteen of an act entitled "An act creating a state land settlement board and defining its powers and duties and making an appropriation in aid of its operations," approved June 1, 1917, as amended.

[Approved by the Governor May 18, 1925.]

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

Stats. 1917, p. 1566, amended.

SECTION 1. Section three of an act entitled "An act creating a state land settlement board and defining its powers and duties and making an appropriation in aid of its operations," approved June 1, 1917, as amended, is hereby amended to read as follows:

Body corporate.

Sec. 3. The state land settlement board, hereinafter called the "board," shall constitute a body corporate, with the right on behalf of the state to hold property, receive and request donations, sue and be sued, and all other rights provided by

the constitution and laws of the State of California, as belonging to bodies corporate, together with all rights and authority necessary for the proper carrying out of the provisions of this act.

Three members of the board shall constitute a quorum and such quorum may exercise all the powers and authority conferred on the board by this act. Quorum.

SEC. 2. Section seventeen of said act is hereby amended to read as follows: Stats. 1917,
p. 1570,
amended.

Sec. 17. The selling price of the several allotments into which lands purchased under this act are subdivided, other than those set aside for public purposes, shall be fixed by the board, so as to render such allotments as nearly as possible equally attractive, and calculated to return to the state the original cost of the land, together with a sufficient sum added thereto to cover all expenses and costs of surveying, improving, subdividing and selling such lands, including the payment of interest, and all costs of engineering, superintendence and administration, including the cost of operating any works built directly chargeable to such land, and also the price of so much land as shall on subdivision be used for roads and other public purposes, and also such sum as shall be deemed necessary to meet unforeseen contingencies; *provided*, that whenever the board shall be unable, after due effort, to sell such allotments at the prices fixed, the board may revise such prices in such a manner as to best protect the interests of the state, and may reoffer such allotments for sale at the revised prices so fixed. Selling
prices.

SEC. 3. Section eighteen of said act is hereby amended to read as follows: Stats. 1919,
p. 543,
amended.

Sec. 18. Every approved applicant shall enter into a contract of purchase with the board, which contract shall among other things provide that the purchaser shall pay as a cash deposit a sum equal to five per cent of the sale price of the allotment and in addition not less than ten per cent of the cost of any improvements made thereon. The balance due on the land shall be paid in amortizing payments extending over a period to be fixed by the board, not exceeding forty years, together with interest thereon at the rate of five per cent per annum, except as hereinafter otherwise provided. The amount due on improvements shall be paid in amortizing payments extending over a period to be fixed by the board not exceeding twenty years, together with interest thereon at the rate of five per cent per annum. The repayment of loans made on live stock or implements shall extend over a period to be fixed by the board not exceeding five years; *provided, however*, in each case, that the settler shall have the right, on any installment date, to pay any or all installments still remaining unpaid. Contract of
purchase.

Deposit.

Payment
of balance.

SEC. 4. Section nineteen of said act is hereby amended to read as follows: Stats. 1917,
p. 1570,
amended.

Revision of
contracts
with settlers.

Sec. 19. Whenever within six years from the opening date of any colonization project organized under authority of this act, it shall appear to the board, upon due investigation, that the contracts with settlers as provided in section eighteen hereof, shall work an undue hardship upon the settlers on such project, and that the success of the project and the investment of state funds is thereby jeopardized, the board shall have authority with the consent of the settler to revise such existing land purchase contracts by a reduction of not exceeding thirty per cent in the sale price of the land, or by a reduction in the rate of interest to be thereafter charged on the land purchase price under the revised contract not exceeding four per cent and for a term of not exceeding ten years from the date of the revised contract; or by a combination of both of such alternatives in part, so that the total benefits of such combination shall not exceed the above named limitations of either of said alternatives. In the revision of such contracts, the board may include as part of the principal to be repaid under such revised contracts, any sums which shall have heretofore become delinquent on said original contracts; *provided*, that in consideration of such reduction in the purchase price or in the interest rate to be charged, the board shall require that the entire amount of principal and interest due under such revised contracts shall be payable within a period of not exceeding twenty years from the date of the revised contracts on such allotments; *and provided, further*, that the board may make new contracts for the sale of any unsold allotments on such project upon terms equitable and consistent with the terms of said revised contracts.

CHAPTER 207.

An act appropriating money for the purpose of investigating conditions for the resumption of hydraulic mining operations in the State of California.

[Approved by the Governor May 18, 1925.]

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

Appropriation.

SECTION 1. The sum of ten thousand dollars (\$10,000) 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 for the purposes of the commission herein provided for.

Hydraulic mining commission created.

SEC. 2. A commission to consist of the state mineralogist, or any successor to such officer, or the department of mines and mineral resources, and the surveyor general, is hereby appointed to investigate the feasibility of any plan or plans whereby hydraulic mining operations can be resumed in this state, and to report its findings and recommendations to the forty-seventh session of the legislature of the State of California.

SEC. 3. The state controller is hereby directed to draw his warrant or warrants in such sums and at such times as the said commission may present claims therefor, and the state treasurer is hereby directed to pay the same. Payment
of claims.

CHAPTER 208.

An act providing for the preparation and printing of a supplement to the index of the laws of California, and making an appropriation therefor.

[Approved by the Governor May 18, 1925.]

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

SECTION 1. The legislative counsel is hereby directed to prepare a supplement to the index of the constitution and laws of this state made pursuant to an act entitled "An act providing for the publication of an index to the laws of California, and making an appropriation therefor," approved May 23, 1919. The supplement shall consist of an index of the statutes enacted at the forty-fourth, forty-fifth, and forty-sixth sessions of the legislature and the amendments to the constitution adopted since the year one thousand nine hundred nineteen. Supplemental
index to laws.

The superintendent of state printing is hereby directed to print one thousand six hundred copies of the supplement, and offer such supplements for sale at a price sufficient to cover the cost of publication and distribution.

SEC. 2. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of two thousand dollars, to be expended for the preparation and printing of such supplement to the said index. Appropriation.

CHAPTER 209.

An act appropriating money for tinting, papering and other necessary improvements and repairs of the governor's mansion and outbuildings thereof at Sacramento and for new carpets, furnishings, and equipment to be used therein.

[Approved by the Governor May 19, 1925.]

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

SECTION 1. The sum of two thousand five hundred dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to be expended in accordance with law, for tinting, papering, and other necessary improvements and repairs of the governor's mansion and outbuildings thereof at Sacramento, and for new carpets, furnishings, and equipment to be used therein. Appropriation:
overhauling
governor's
mansion.

CHAPTER 210.

An act appropriating money for the purpose of remodeling and making repairs to certain buildings at Sutter's Fort.

[Approved by the Governor May 19, 1925.]

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

Appropriation: work at Sutter's Fort.

SECTION 1. The sum of three thousand five hundred dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to be expended in accordance with law, for the remodeling of the distillery building at Sutter's Fort, and also for such other repairs as may be necessary, including new gutters and new gates.

CHAPTER 211.

An act to provide for the reforestation, constructing and maintaining of fire lanes and fire trails on the Angeles national forest, and to make an appropriation therefor.

[Approved by the Governor May 19, 1925.]

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

Appropriation: fire protection for 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 to be expended by the state board of forestry for the purpose of preventing forest fires and to protect the timber and brush and other growth on the watersheds embraced within the San Bernardino mountains in the State of California.

Contracts with U. S. forest service

SEC. 2. The state board of forestry with the approval of the state board of control is hereby empowered to enter into a contract or contracts with the forest service of the United States government for the purpose of constructing and maintaining fire lanes and fire trails for the protection of the forest and brush specified in section one of this act; *provided, however*, that these expenditures shall not be in excess of the amount or amounts to be expended by the forest service of the federal government in collaboration with the specified work named above; *and provided, further*, that in case the forest service above mentioned does not contribute the fund for said cooperation, that the state board of forestry shall not have power to enter into such contract or contracts with the said forest service for the expenditure of the said money.

CHAPTER 212.

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

[Approved by the Governor May 19, 1925.]

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

SECTION 1. In all cases where the legislative branch of any municipality in this state has called an election under the provisions of an act entitled "An act to provide for the formation of districts within municipalities for the acquisition or construction of public improvements, works, and public utilities; for the issuance, sale and payment of bonds of such districts to meet the cost of such improvements; and for the acquisition or construction of such improvements," approved April 20, 1915, or under said act as amended, for the purpose of submitting to the qualified electors of any municipal improvement district formed in such municipality the question whether an indebtedness shall be incurred for any of the purposes authorized by said act, and where at such election not less than two-thirds of all the voters voting thereat shall have voted in favor of incurring such indebtedness, and the mode of creating such indebtedness has been by the proposed issuance of the bonds of such municipal improvement district, the power to issue such bonds and all the acts and proceedings of such municipality leading up to and including the issuance and sale or the proposed issuance and sale of such bonds are hereby legalized, ratified, confirmed and declared valid to all intents and purposes; and all such bonds, sold either before or after the passage of this act for not less than their par value, are hereby legalized and declared to be legal and valid obligations of and against such municipal improvement district of the municipality so issuing and selling the same, and the faith and credit of such municipal improvement district of such municipality is hereby pledged for the prompt payment and redemption of the principal and interest of said bonds.

Municipal
improvement
bonds
validated.

SEC. 2. This act shall not operate to legalize any bonds of any municipal improvement district of a municipality that have not, at the time of the passage of this act, been authorized by the vote of not less than two-thirds of the qualified electors of such municipal improvement district voting at any such election, or any bonds which have been sold for less than their par value.

Bonds not
validated.

CHAPTER 213.

An act to amend section three hundred forty-five of the Civil Code, relating to extension of time of delinquent stock sale and notice thereof.

[Approved by the Governor May 19, 1925.]

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

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

Extension of time of delinquent stock sale.

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 at a time, 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 a 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 published at least once within two weeks prior to the time last previously set for the performance of such act.

CHAPTER 214.

An act making an appropriation for the restoration, care and upkeep of the Mission San Francisco del Solano.

[Approved by the Governor May 19, 1925.]

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

Appropriation: care and upkeep of Mission San Francisco del Solano.

SECTION 1. There is hereby appropriated out of any funds of the state available therefor, the sum of two thousand five hundred dollars for the seventy-seventh and seventy-eighth fiscal years for the restoration, care and upkeep of the Mission San Francisco del Solano, at the city of Sonoma, California, the said money to be expended and paid out under the direction and control of the state board of control.

CHAPTER 215.

An act to appropriate money to pay the expense of making the exchange of certain lands as provided by chapter two hundred twenty-nine, statutes of California, one thousand nine hundred twenty-three.

[Approved by the Governor May 19, 1925.]

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

Appropriation: exchange of lands.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of fifteen thousand dollars, to pay the expense of making the exchange of certain lands as provided by chapter two hundred twenty-nine, statutes of California, one thousand nine hundred twenty-three.

CHAPTER 216.

An act to provide for the sale of the sovereign lands of the State of California, lying within the United States meander lines of Clear lake, Lake county, that are susceptible of reclamation.

[Approved by the Governor May 19, 1925.]

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

SECTION 1. The sovereign lands of the State of California, lying within the United States meander lines of Clear lake, Lake county, in the south half of the south half of section twenty-nine, township fifteen north, range nine west, M. D. B. and M., that are susceptible of reclamation shall be sold by the surveyor general, under rules and regulations prescribed by the surveyor general, at a price to be fixed by the state board of control and the surveyor general. State of state lands adjoining Clear lake.

SEC. 2. The owners of the adjacent land bounded by the meander lines of Clear lake shall for a period of one year from the time the price of said lands is fixed have the first preference to purchase the lands herein provided to be sold. Preference.

SEC. 3. The money received for the land shall be paid into the state treasury to the credit of the general fund. Money received.

CHAPTER 217.

An act appropriating money to complete the construction of the trail in the Sierra Nevada mountains known as the "John Muir trail" and laterals therefrom.

[Approved by the Governor May 19, 1925.]

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 moneys in the state treasury not otherwise appropriated, to be used in accordance with law for the purpose of completing the "John Muir trail" in the high Sierra region of California and connecting the Yosemite national park with Mount Whitney and vicinity and in improving and building lateral trails leading therefrom. Appropriation: completion of John Muir trail.

SEC. 2. The moneys hereby appropriated are to be expended under the direction of the state department of engineering, and of the money hereby appropriated, ten thousand dollars shall be made available on the day when this act shall go into effect.

CHAPTER 218.

An act to amend section five hundred ninety-one of the Civil Code, relating to corporations for the formation of chambers of commerce, boards of trade, mechanics' institutes, and other kindred associations.

[Approved by the Governor May 19, 1925.]

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

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

Organization.

591. Corporations for the formation and organization of chambers of commerce, boards of trade, mechanics' institutes, and other associations for the extension and promotion of trade and commerce, or the advancement, protection, and improvement of the mechanic arts, may be formed by twenty or more persons, who must execute and file articles of incorporation as prescribed in chapter one of title one of part four of this code. Upon receiving from the secretary of state a certificate of the filing with him of its articles of incorporation, such corporation becomes a body corporate, and by its corporate name has succession for the period limited in its articles, and power: (1) to sue and be sued in any court; (2) to make and use a common seal, and alter it at pleasure; (3) to lease, purchase, hold, sell, mortgage, convey in trust, convey, release from trust or mortgage, such real and personal property as hereinafter provided; (4) to elect and appoint such officers, agents, and servants as the business of the corporation may require; and (5) to make by-laws, not inconsistent with the laws of this state, providing for the organization of the corporation and the management of its affairs. No corporation formed under this title must engage in any mercantile, commercial, or mechanical business.

Powers.

CHAPTER 219.

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

[Approved by the Governor May 19, 1925.]

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

Stats. 1919,
p. 431,
amended.

SECTION 1. Section twenty-seven of an act entitled "An act to divide the State of California into fish and game districts" and to repeal an act entitled "An act to divide the State of

California into fish and game districts and to repeal an act entitled 'An act to divide the State of California into fish and game districts' approved March 21, 1911, and all acts or parts of acts inconsistent herewith," approved May 28, 1917, as amended, is hereby amended to read as follows:

Sec. 27. Fish and game district four "E," shall consist of and include sections twelve, thirteen, twenty-four, twenty-five, and thirty-six, township fifteen, south, range four, east; all of sections one, two, ten, eleven, twelve, thirteen, fourteen, fifteen, the east half of section three and the north half of sections twenty-two, twenty-three and twenty-four, township sixteen, south, range four east; all of sections one to twelve, inclusive, township sixteen, south, range five east; all of township fifteen, south, range five, east, and sections twenty-seven to thirty-four inclusive, township fourteen, south, range five, east, San Bernardino base and meridian, all located within the county of San Diego. District
four "E."

CHAPTER 220.

An act to amend section six hundred thirty-four of the Penal Code, relative to the protection of fish and game.

[Approved by the Governor May 19, 1925.]

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

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

634. 1. Every person who shall cast, extend or draw, or assist in casting, extending or drawing, any net or seine for the purpose of taking or catching any salmon at any time during the closed seasons, as provided in this act, or at any time between sunrise of Saturday and sunset of the following Sunday, is guilty of a misdemeanor. Protection
of salmon.

2. Every person who, in fish and game district number one, except with hook and line, said hook and line to be used in the manner commonly known as angling, takes, catches or kills any salmon, or who at any time takes, catches or kills more than three salmon during any one calendar day is guilty of a misdemeanor. Every person who in fish and game district number one and one-half, except with spear or hook and line, said hook and line to be used in the manner commonly known as angling, takes, catches or kills any salmon, or who between the sixth of October and the thirty-first day of July of the year following, both dates inclusive takes, catches or kills more than three salmon during any one calendar day is guilty of a misdemeanor. Every person who, in fish and game districts numbers two and two and one-half, except with hook and line, said hook and line to be used in the manner commonly known as angling, takes, catches or kills any salmon, or who at any time takes, catches or kills In districts
1, 1½, 2,
and 2½.

more than three salmon during any one calendar day, is guilty of a misdemeanor.

In districts
1, 13, 2, 23,
3, 4, 6, 7,
10, 16, 17
and 18.

3. Every person who, in fish and game districts numbers three and four, except with hook and line, said hook and line to be used in the manner commonly known as angling, takes, catches or kills any salmon is guilty of a misdemeanor. Every person who, in fish and game districts one, one and one-half, two, three and four, between the first day of June and the thirty-first day of July of the same year, both dates inclusive, or between the seventeenth day of September and the fourteenth day of November of the same year, both dates inclusive, takes, catches or kills or has in his possession more than three fresh salmon during any one calendar day, or who buys, sells, offers or exposes for sale any fresh salmon, is guilty of a misdemeanor; *provided*, that nothing in this act shall prohibit the possession or sale at any time of any salmon from Oregon or Washington, or the possession or sale of any salmon lawfully taken in any fish and game district, except that salmon are not to be sold which are caught at any time in fish and game districts numbers one, one and one-half, two, two and one-half, three or four, or between the sixteenth day of September, and the thirty-first day of May of the year following, both dates inclusive, in fish and game district six, or between the sixteenth day of August and the thirtieth day of April of the year following, both dates inclusive, in fish and game district seven, or between the sixteenth day of August and the thirtieth day of April of the year following, both dates inclusive, in fish and game district ten, or between the sixteenth day of June and the thirty-first day of March of the year following, both dates inclusive, in fish and game districts sixteen, seventeen and eighteen.

Inspection
and tagging.

All salmon which may be held in possession or sold under the provision of this act between the seventeenth day of September and the fourteenth day of November, both dates inclusive, must be inspected and tagged according to regulations to be prescribed by the fish and game commission. The cost of such inspection and tagging must be paid by the person or persons submitting such salmon for inspection and tagging.

In district 5.

4. Every person who, in fish and game district five, between the first day of December and the thirty-first day of August of the year following, both dates inclusive, takes, catches or kills or has in possession any salmon or buys, sells, offers or exposes for sale any fresh salmon, or who, at any time, takes, catches or kills any salmon with any net, any of the meshes of which are, when drawn closely together and measured inside the knots, less than five and one-half inches in length, is guilty of a misdemeanor.

In district 3.

5. Every person who, in fish and game district six at any time, except with hook and line, said hook and line to be used in the manner commonly known as angling, takes, catches or kills any salmon, or who between the sixteenth day of Sep-

tember and the thirty-first day of May of the year following, both dates inclusive, takes, catches, kills or has in his possession, or buys, sells, offers or exposes for sale any fresh salmon, is guilty of a misdemeanor.

6. Every person who, in the tide water of the Klamath river fish and game district, between the sixth day of September and the thirtieth day of June of the year following, both dates inclusive, except with hook and line, said hook and line to be used in the manner commonly known as angling, takes, catches or kills any salmon, or takes, catches or kills, or has in his possession more than three fresh salmon in any one calendar day, or buys, sells, offers or exposes for sale, any fresh salmon, or who, at any time, takes, catches or kills any salmon with any net, any of the meshes or which are, when drawn closely together and measured inside the knots, less than seven and one-half inches in length, or who uses any net for the purpose of catching salmon in the daytime between the hours of six a.m. and eight p.m. between the first day of August and the fifth day of September of the same year, both dates inclusive, is guilty of a misdemeanor.

In tide water
of Klamath
river.

For the purpose of this act tide water is from the mouth of the Klamath river to the mouth of McGarvey creek.

7. Every person who, in fish and game district seven at any time, except with hook and line, said hook and line to be used in the manner commonly known as angling, takes, catches or kills any salmon, or who between the sixteenth day of August and the thirtieth day of April of the year following, both dates inclusive, takes, catches, kills, buys, sells, offers or exposes for sale any fresh salmon, is guilty of a misdemeanor.

In district 7.

8. Every person who, at any time, in fish and game districts eight and nine, except with hook and line, said hook and line to be used in the manner commonly known as angling, takes, catches or kills any salmon, or takes, catches or kills more than three fresh salmon in any one calendar day, or buys, sells, offers or exposes for sale, any fresh salmon, is guilty of a misdemeanor.

In districts
8 and 9.

9. Every person who, in fish and game districts ten and eleven at any time, except with hook and line, said hook and line to be used in the manner commonly known as angling, takes, catches or kills any salmon, or who between the sixteenth day of August and the thirtieth day of April of the year following, both dates inclusive, takes, catches or kills any salmon, or has in his possession, or buys, sells, offers or exposes for sale, any fresh salmon, is guilty of a misdemeanor.

In districts
10 and 11.

10. Every person who, in fish and game districts twelve, and thirteen between the first day of June and thirty-first day of July of the same year, both dates inclusive, and every person who in fish and game district twelve "B" between the sixteenth day of June and the thirty-first day of July, both dates inclusive and every person who in fish and game districts twelve, twelve "B" and thirteen between the seventeenth day of September and the fourteenth

In districts
12, 12 "B"
and 13.

day of November of the same year, both dates inclusive, except with hook and line, said hook and line to be used in the manner commonly known as angling, takes, catches or kills any salmon, or takes, catches, kills or has in his possession, or buys, sells, offers or exposes for sale any fresh salmon, or who, at any time, takes, catches or kills any salmon with any net, any of the meshes of which are, when drawn closely together and measured inside the knots, less than five and one-half inches in length, or between May sixteenth and June fifteenth, both dates inclusive, takes, catches or kills any salmon with any net, any of the meshes of which are, when drawn closely together and measured inside the knots, less than seven and one-half inches in length, is guilty of a misdemeanor.

In district
12 "A."

11. Every person who, in fish and game district twelve "A", at any time, takes, catches or kills any salmon, except with hook and line, said hook and line to be used in the manner commonly known as angling, or takes, catches, kills or has in his possession more than three fresh salmon in any one calendar day, or buys, sells, offers or exposes for sale, any fresh salmon, is guilty of a misdemeanor.

In district
15.

12. Every person who, in fish and game district fifteen, from the sixteenth day of June to the thirty-first day of March of the year following, both dates inclusive, takes, catches or kills any salmon, or who, at any time takes, catches or kills any salmon in any net, is guilty of a misdemeanor.

In districts
16, 17
and 18.

13. Every person who, at any time in fish and game districts sixteen, seventeen and eighteen, takes, catches or kills any salmon, except with hook and line, said hook and line to be used in the manner commonly known as angling, or who, between the sixteenth day of June and the thirty-first day of March of the year following, both dates inclusive, takes, catches, kills or has in his possession, or who buys, sells, offers or exposes for sale any fresh salmon is guilty of a misdemeanor.

In districts
6, 7, 10, 11,
15, 16, 17
and 18.

14. Any salmon found in the possession of any person in fish and game district number six between the sixteenth day of September and the thirtieth day of May of the year following, both dates inclusive; or in fish and game district number seven between the sixteenth day of August and the thirtieth day of April of the year following, both dates inclusive; or in fish and game districts numbers ten and eleven between the sixteenth day of August and the thirtieth day of April of the year following, both dates inclusive; or in fish and game districts numbers fifteen, sixteen, seventeen and eighteen between the sixteenth day of June and the thirty-first day of March of the year following, both dates inclusive; shall be prima facie evidence that said salmon were taken in said fish and game districts.

"Salmon"
defined.

For the purpose of this act and all acts relating thereto, only such fish as belong to the genus *Onchorhynchus* shall be considered salmon.

Exemptions.

15. Nothing in this act shall prevent the fish and game commission of this state, or persons authorized by them, from

taking, at all times, and in any manner, such salmon as they may deem necessary for the purpose of propagation, or for scientific purposes.

16. Any violation of any of the provisions of this act shall be punishable by a fine of not less than one hundred dollars nor more than five hundred dollars or by imprisonment in the county jail of the county in which the conviction shall be had, of not less than fifty days, nor more than six months, or by both such fine and imprisonment, and all fines and forfeitures imposed and collected for violations of the provisions of this act shall be paid into the state treasury, to the credit of the fish and game preservation fund. Penalty.

CHAPTER 221.

An act to add a new section to the Political Code to be numbered seven hundred thirty-six a, relating to the salaries of the justices of the district courts of appeal.

[Approved by the Governor May 19, 1925.]

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

SECTION 1. A new section is hereby added to the Political Code to be numbered seven hundred thirty-six a and to read as follows:

736a. The annual salary of each of the justices of the district courts of appeal is eight thousand dollars. Such salaries shall be payable monthly by the state. Appellate justices' salaries.

CHAPTER 222.

An act appropriating money for the purpose of placing a memorial tablet in "memorial grove" located in capitol park, in the city of Sacramento.

[Approved by the Governor May 19, 1925.]

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 money in the state treasury not otherwise appropriated, for the purpose of erecting in "memorial grove" located in capitol park in the city of Sacramento, State of California, dedicated and presented to the State of California May 1, 1897, by the Ladies of the Grand Army of the Republic of the Department of California and Nevada, a tablet indicating the significance of said grove. Appropriation: erection of tablet in "memorial grove."

SEC. 2. The state board of control of the State of California, in conjunction with the Grand Army of the Republic and the Ladies of the Grand Army of the Republic, is hereby directed to cause the erection of said tablet as soon as this act shall become effective.

CHAPTER 223.

An act to amend section two thousand five hundred fifty-two of the Political Code.

[Approved by the Governor May 19, 1925.]

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

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

Salaries of
harbor com-
missioners,
etc.

2552. The annual salaries of the officers of the board shall be as follows: The president, five thousand dollars; each of the other two commissioners, three thousand dollars; the secretary, three thousand dollars; the attorney, two thousand four hundred dollars. The board must fix the compensation of the other employees. Said salaries and compensation shall be paid out of the San Francisco harbor improvement fund. No ex officio officer nor consulting engineer shall receive any compensation, except traveling and other incidental expenses. The president shall be chief executive officer of the board and business manager of harbor affairs and shall actively superintend and supervise the conduct of the dock system and the state belt railway and all other departments of the harbor business.

CHAPTER 224.

An act to amend section nineteen c of an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons, providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended.

[Approved by the Governor May 19, 1925.]

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

Stats. 1921,
p. 1229,
amended.

SECTION 1. Section nineteen c of an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases pro-

viding for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, is hereby amended to read as follows:

Sec. 19c. In counties of the third class there shall be one probation officer and nine assistant probation officers. The salaries of said officers shall be as follows: Probation officer, four thousand two hundred dollars per annum; one assistant probation officer at a salary of three thousand three hundred dollars per annum; one assistant probation officer at a salary of two thousand seven hundred dollars per annum; four assistant probation officers at a salary of two thousand four hundred dollars per annum each; two assistant probation officers, who shall act as stenographers, at a salary of one thousand six hundred twenty dollars per annum each; one assistant probation officer, who shall act as a stenographer at a salary of one thousand five hundred dollars per annum.

Counties of
3d class:
salaries of
probation
officers.

CHAPTER 225.

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

[Approved by the Governor May 19, 1925.]

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

SECTION 1. Whenever prior to the taking effect of this act proceedings have been taken by any irrigation district organized or purported to be organized under any law or laws of this state, for the issuing and selling of bonds of such district, for any purpose or purposes, all the acts and proceedings of the board of trustees of such district and all of the acts of the board of supervisors of the county or counties in which such district or any part thereof is situated and all of the acts of all public officers in connection therewith leading up to and including the issuance of such bonds if they have hitherto been issued or sold, and all such acts and pro-

Irrigation
district
bonds
validated.

ceedings heretofore had although the bonds are not yet issued or sold, are hereby legalized, ratified, confirmed and validated to all intents and purposes, and the power of such district to issue such bonds is hereby acknowledged, granted, ratified, confirmed and declared, and the bonds heretofore issued and sold and the bonds heretofore authorized to be issued which may be hereafter issued and sold, are declared to be and shall be, the legal and binding obligations of, and against the district having heretofore issued, or hereafter issuing, such bonds, and the faith and credit of such district is hereby pledged for the prompt payment and redemption of the principal and interest of said bonds.

Payment of
principal
and interest.

SEC. 2. For the purpose of paying the interest on such bonds as it becomes due and the principal thereof at maturity, the board of trustees of the district and the board of supervisors of the county or counties in which such irrigation district or any part thereof lies, and the various county officers of the respective counties who are charged with duties in connection with the assessment, levy and collection of taxes, shall have the same powers and shall perform the same duties as are provided by law relative to the assessment, levy and collection of taxes, and custody of funds, for the payment of the principal and interest of bonds of such districts, at the times and in the manner respectively set forth in the respective law or laws authorizing or purporting to authorize the incurring of bonded indebtedness or issuance of bonds by such districts.

Bonds not
validated.

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

CHAPTER 226.

An act to amend section nineteen x twenty-five of an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such

crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, relating to the salaries of probation officers in counties of the twenty-fifth class.

[Approved by the Governor May 19, 1925.]

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

SECTION 1. Section nineteen *x* twenty-five of an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, is hereby amended to read as follows:

Stats. 1921,
p. 1087
amended.

Sec. 19 \times 25. In counties of the twenty-fifth class there shall be one probation officer, whose salary is hereby fixed at the sum of two hundred dollars per month. In counties of this class the probation officer shall perform in addition to his duties as probation officer the duties of attendance officer for the schools of the county and investigator for the board of supervisors on applications for county and state aid, without any additional compensation; *provided, however,* that he shall receive his necessary traveling and other expenses and such mileage as the board of supervisors shall fix and allow in the performance of such duties. In counties of this class the probation officer shall be allowed one assistant probation officer, which office is hereby created, who shall act as stenographer, and whose salary is hereby fixed at the sum of seventy-five dollars per month. The salary of such assistant probation officer shall be paid at the same time and in the same manner and out of the same fund as the salary of the probation officer is paid.

Counties of
25th class:
salaries of
probation
officers.

CHAPTER 227.

An act to amend section one and section two of an act entitled "An act requiring the payment into the state treasury of all moneys belonging to the state, received by the various state institutions, commissions, and officers and directing the disposition of the same," approved March 17, 1899, as amended, relating to the payment of state money into the treasury and abolishing certain special funds.

[Approved by the Governor May 19, 1925.]

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

Stats. 1908,
p. 43,
amended.

SECTION 1. Section of an act entitled "An act requiring the payment into the state treasury of all moneys belonging to the state, received by the various state institutions, commission, and officers and directing the disposition of the same," is hereby amended to read as follows:

State moneys
to be paid
into
treasury.

SECTION 1. All moneys belonging to the state, except appropriations, received from any source whatever by any officer, commission or commissioner, board of trustees, board of managers or board of directors shall be accounted for at the close of each month to the state controller, in such form as the controller may prescribe, and at the same time on the order of the controller be paid into the state treasury; *provided*, in the case of any state hospital, asylum, prison or school supported by or under the control of the state, said moneys shall be credited to the general fund of the state; *and provided*, that in any case where the law directs the board of trustees, managers or directors, or officer to refund any money upon the death or discharge of any inmate of said hospital, asylum, prison, school or other institution, or to provide a discharged inmate with any sum of money or with wearing apparel, such amount of money necessary shall be paid by the board of trustees, managers or directors or officer, upon demand; and in the statement to the controller herein provided for, these amounts shall be itemized and the aggregate deducted from the amount to be paid into the state treasury; *provided, further*, that all money collected by boards of harbor commissioners shall be paid into the harbor improvement fund of the respective harbor where collected, except so much thereof as may be necessary to pay the expense of urgent repairs, not to exceed in the aggregate six thousand dollars per month, which sum, if so much be required, may be used in repairing the wharves, piers, landings, thoroughfares, sheds, and other structures, and the streets bounding on the water front under the jurisdiction of such board of harbor commissioners, without advertising the proposals therefor; *provided, further*, that nothing in this section shall affect in any manner the funds known as the industrial or amusement funds of the Agnews State Hospital, the Mendocino State Hospital, the Napa State Hospital, the Norwalk State Hospital, the Southern California State Hospital, the Stockton State Hospital, the Sonoma State Home,

Harbor
funds.

Exceptions.

Pacific Colony, the Whittier State School, the California School for Girls, and the Preston School of Industry.

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

Stats. 1899,
p. 110,
amended.

Funds
abolished.

Sec. 2. Those funds known as the Agnews hospital contingent fund, the Folsom hospital contingent fund, the Mendocino hospital contingent fund, the Napa hospital contingent fund, the Norwalk hospital contingent fund, the Southern California hospital contingent fund, the Stockton hospital contingent fund, the Deaf and Blind school contingent fund, the Chico Teachers College contingent fund, the Fresno Teachers College contingent fund, the Humboldt Teachers College contingent fund, the Polytechnic school contingent fund, the San Francisco Teachers College contingent fund, the San Diego Teachers College contingent fund, the San Jose Normal School contingent fund, the Santa Barbara Teachers College contingent fund, the Preston School of Industry contingent fund, the Whittier State School contingent fund, the California School for Girls contingent fund and the Sonoma Home contingent fund are hereby abolished and all money in the said funds shall become part of the general fund of the state.

CHAPTER 228.

An act to amend section two thousand one hundred fifty-eight of the Political Code, relating to hospital funds.

[Approved by the Governor May 19, 1925.]

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

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

2158. All money belonging to the state and received by state hospitals from any source, except appropriations, shall be deposited in the state treasury, to the credit of the general fund, at the close of each month; *provided*, that nothing in this section shall affect in any manner the funds known as the industrial or amusement funds.

Deposit of
receipts.

The state hospitals and the officers thereof shall make such financial statements to the controller as the controller may require.

Statements.

The medical superintendent must make triplicate estimates, in minute detail, as approved by the board of managers of such supplies, expenses, buildings, and improvements, which must be submitted to the commission. The commission may revise the estimates of such supplies, expenses, buildings, and improvements, and must certify that it has carefully examined the same, and that the supplies, expenses, buildings, and improvements contained in such estimates, as approved by it, are required for the best interests of such hospitals; whereupon the board of managers, after having received the revised and approved estimates, must proceed to purchase such sup-

Purchase of
supplies, etc.

plies, make such expenditures or construct such improvements or buildings without further authority, itemized bills for the same to be approved by the board of managers and paid in the same manner as other bills incurred by the hospital.

Plans,
specifica-
tions, etc.

The building act of one thousand eight hundred seventy-six does not apply to any improvement, structure, or building made under the provisions of this act. The commission may also require the board of managers to obtain such plans and specifications for buildings or improvements as it deems advisable and may also require the board of managers, before letting contracts for supplies, buildings and improvements, to advertise for bids for the same for a period and in such papers as the commission deems proper.

CHAPTER 229.

An act to amend 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, as amended, relating to funds of the said society.

[Approved by the Governor May 19, 1925.]

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

Stats. 1915,
p. 940,
amended.

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, as amended, is hereby amended to read as follows:

Duties of
state board
of
agriculture.

Sec. 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. It 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 for the society, to adapt the same to the provisions of this act and to the management of the society, its meetings and exhibitions. It shall provide for an annual fair or exposition by said society of the industries and industrial products of this state and commercial products exported and imported through the ports of this state at the city of Sacramento each year; *provided*, that in any year during which an international exposition conducted in whole or in part under the auspices of the State of California and endorsed by the United States government, is held within the State of California and the state board of agriculture deems it inexpedient to hold a state fair, the funds of the state agricultural society for that year only may be expended in cooperation with the management of said exposition to provide for a proper exploitation of the industries of California at such exposition; *provided, further*, that in no event shall the state be liable for any premium awarded or debt created by the

Annual fair.

said state board of agriculture; *provided, further*, that the collections and receipts from sources other than state appropriations, shall be reported monthly by the secretary to the controller of state, and shall be paid into the state treasury to the credit of the general fund at least once each month. The state controller is hereby authorized to require financial reports to be made to him in such form and at such time as he may require. Receipts.

CHAPTER 230.

An act to amend section seven hundred fifty-three of the Political Code, relating to the disposition of fees of the supreme court.

[Approved by the Governor May 19, 1925.]

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

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

753. The fees collected by the clerk of the supreme court must be paid into the state treasury to the credit of the general fund. Disposition of fees.

CHAPTER 231.

An act to amend section seven hundred sixty of the Political Code, relating to the disposition of fees of the courts of appeal.

[Approved by the Governor May 19, 1925.]

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

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

760. All fees collected by the clerks of the district courts of appeal must be paid into the state treasury to the credit of the general fund. Disposition of fees.

CHAPTER 232.

An act to repeal an act entitled "An act to provide that the department of engineering of the State of California may acquire for and in the name of the people of the State of California, by purchase, donation, dedication or by proceedings in eminent domain, additional rights of way, land and trees on and along the course of any state highway," approved April 1, 1915.

[Approved by the Governor May 19, 1925.]

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

SECTION 1. An act entitled "An act to provide that the department of engineering of the State of California may Stats. 1915, p. 22, repealed.

acquire for and in the name of the people of the State of California, by purchase, donation, dedication or by proceedings in eminent domain, additional rights of way, land and trees on and along the course of any state highway," approved April 1, 1915, is hereby repealed.

CHAPTER 233.

An act to repeal an act entitled "An act to provide for the abandonment of portions of routes of state roads and highways by the advisory board of the state department of engineering, and for consent thereto in certain cases by county boards of supervisors," approved May 20, 1915.

[Approved by the Governor May 19, 1925.]

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

Stats. 1915,
p. 640,
repealed.

SECTION 1. An act entitled "An act to provide for the abandonment of portions of routes of state roads and highways by the advisory board of the state department of engineering, and for consent thereto in certain cases by county boards of supervisors," approved May 20, 1915, is hereby repealed.

CHAPTER 234.

An act to amend section three hundred sixty-five c of the Political Code of the State of California and to add sections three hundred sixty-five d, three hundred sixty-five e, three hundred sixty-five f, three hundred sixty-five g, three hundred sixty-five h, three hundred sixty-five i, three hundred sixty-five j, three hundred sixty-five k, three hundred sixty-five l, three hundred sixty-five m, three hundred sixty-five n, three hundred sixty-five o and three hundred sixty-five p to the said code, all referring to the powers and duties of the California highway commission.

[Approved by the Governor May 19, 1925.]

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

SECTION 1. Section three hundred sixty-five c of the Political Code is hereby amended to read as follows:

Expenditures by
commission.

365c. The California highway commission, which is created by this article, is hereby authorized and empowered to expend the moneys in any appropriation or in any special fund in the state treasury now remaining or which may be made available by law for the administration of the provisions of all the statutes, the enforcement of which is committed to said commission or for the use, support or maintenance of any board, commission, office or officer that is abolished by the provisions of this article, and whose duties, powers and functions are, by the provisions of this article, transferred to and conferred

upon the California highway commission. All expenditures by the state for highway purposes, or for any other matters delegated by law to the care of said California highway commission, whether said expenditures be for work done under contract or day labor, for new construction, reconstruction, or maintenance and for salaries, office and operating expenses of said commission of every description shall be under the control of said highway commission. All such expenditure shall be incurred subject to the approval of the board of control, and all moneys in anywise appropriated for said purposes shall be paid upon the proper demand of said commission when approved and audited by the state board of control. Such expenditures by said commission shall be made in accordance with law in carrying on the work for which said appropriations were made or said special funds created.

SEC. 2. A new section is hereby added to the Political Code to be numbered three hundred sixty-five *d*, and to read as follows:

365*d*. The California highway commission shall take and have full possession and control of all roads and highways which have been declared and adopted state roads and state highways and all state roads and state highways which may hereafter be acquired or constructed. Said commission is hereby granted the power to acquire rights of way, also to alter or change the route of any road and to abandon any portion thereof, under its jurisdiction when in its opinion such abandonment shall be necessary or advisable, by reason of alteration or revision in alignment of portions of routes of state roads or highways, or shall be for the best interests of the state. Said commission may also abandon any lands or parts thereof or rights in lands which have been taken or acquired by the state for state road or highway purposes. Said abandonment shall be by resolution adopted by such California highway commission and a copy of such resolution may be recorded in the office of the county recorder of the county where such route or land to be abandoned is located, without acknowledgment, certificate of acknowledgment or further proof, and no fee shall be charged for such recording by said county recorder, and thereupon the title to the land so abandoned shall revert to the owner of the fee. Said commission is further empowered to relinquish to any county, city, or city and county, any portion of any state road or highway within said county, city, or city and county, with the consent of the board of supervisors of such county or city and county or governing body of such city and thereupon the title to said portion of said road or highway so relinquished shall revert to said county, city or city and county, as a county road or city street as the case may be.

Control of
state roads
and
highways.

Said California highway commission is hereby directed to maintain all traversable roads which now are or that may be hereafter included in the state highway system, and said commission is expressly authorized to do any and all things

necessary or proper for the erection, construction, maintenance, management and control of all roads, highways and other properties which are now or hereafter may be placed under its control, including the construction and maintenance of detour roads, and subject to the approval of the board of control, the purchasing, leasing, renting or otherwise obtaining all tools, implements and supplies which it shall deem necessary or proper for the performance of the duties imposed upon it by law.

SEC. 3. A new section is hereby added to the Political Code to be numbered three hundred sixty-five *e*, and to read as follows:

Control of
work on
state roads
and
highways.

365*e*. Said California highway commission is hereby granted the power and authority to cause to be prepared and to approve all plans and specifications for all work done under its direction and shall determine the kind, quality and extent of such work. All public work done under the control of said commission may, in the discretion of said commission, be done under contract or by day labor and said commission is granted the power to direct whether any such work shall be done by contract in whole or in part or by day labor in whole or in part, and, after the approval of the plans, specifications and estimates by said commission, if, in the opinion of such commission the acceptance of any bid or bids shall not be for the best interests of the state, or if, in the opinion of such commission the acceptance of any further bids, after the rejection of all bids submitted, shall not be for the best interests of the state, said commission may direct that the work or improvement be done upon a day labor basis. Whenever any work done under the direction of such commission is placed upon a day labor basis, it is especially exempted from any law on or relating to contracts of the state. The full control of such day labor work is placed under said California highway commission and said commission shall do all things necessary to properly carry out the work. The California highway commission is hereby given power to let any subdivision or unit of said day labor work by contract upon informal bids.

Contract
work.

When it appears from the plans, specifications and estimates of cost, that the cost and expense of doing any construction, reconstruction, alteration, maintenance, repair or other work authorized to be done by or under the direction of said California highway commission, will not exceed fifteen thousand dollars, said commission may direct that said work be done under contract awarded to the lowest responsible bidder or bidders upon public notice, which shall be given as follows:

Notice of such work must be published for two consecutive insertions in a weekly tradespaper of general circulation, published either in Los Angeles or San Francisco, devoted primarily to the dissemination of contract news among contracting firms. Notice must also be published for eight days

in a daily newspaper or for two consecutive insertions in a weekly newspaper located in the county in which said work is located. Such notice must state the time and place for the receiving and opening of sealed bids and must also describe in general terms the work to be done; and no other notice calling for said bids need be given. Said commission may designate that such bids shall be delivered to and opened by the division engineer of said commission in whose division said work is to be done, and said notice shall designate when and by whom said bids shall be opened. At the time specified in said notice said division engineer shall proceed to publicly open said sealed bids, and shall report the contents thereof to said commission, and in all other respects said contract shall be awarded as other contracts for the performance of work are awarded by said commission.

SEC. 4. A new section is hereby added to the Political Code to be numbered three hundred sixty-five *f*, and to read as follows:

365*f*. The California highway commission, in the name of the people of the State of California, may purchase, condemn or receive by donation or dedication or lease any right of way, rock quarry, gravel pit, sand or earth borrow pit, land necessary or proper for offices, shops, storage yards, lands adjoining or near such highways for parks, and also lands and trees within three hundred feet on each side of the center line of any state road or state highway for culture and support of trees, when in the judgment of said commission the acquisition of said lands and trees, or either, shall be for the benefit of a state highway in aiding in the maintenance and preservation of the roadbed thereof, or aid in the maintenance of the attractiveness or the scenic beauties thereof, and also may likewise acquire lands for the construction and maintenance of drainage ditches in connection with the highways, and said commission may likewise acquire all other lands which said commission shall deem necessary for the construction, use or maintenance of state highways. Said commission may in like manner acquire, construct and maintain stock trails paralleling and adjoining or near any state highway in such portions of the state as said commission shall deem necessary or proper, and said commission shall post notices upon said trails and upon said highway at the entrances of said trails directing all persons to drive all untethered stock upon said trails, and any person who shall drive any untethered stock upon any state highway or permit any untethered stock to be upon any state highway which is so paralleled by said stock trails shall be guilty of a misdemeanor, and, in addition thereto said person shall be liable for all damage done to said highway or to any person or property upon said highway by any stock. Said commission may likewise acquire land adjoining any state highway or road for the purpose of maintaining an unobstructed view of any portion of said highway that would interfere with the safety of

Authority
to acquire
land, etc.

Stock trails.

Highways
through
small towns.

persons traveling thereon; *provided, however*, that whenever any state highway or highway system, as contemplated by the state highway act of 1915 or as otherwise provided by law, and the natural course of such highway or highway system runs or passes into or through any municipality, which has a population of not more than two thousand five hundred, which population shall be determined by multiplying the total number of registered electors at the time of the last gubernatorial election of such municipality by three and one-half; *and provided, further*, that the vote of the trustees or the city council or other governing body of such municipalities shall release, dedicate or turn over to the State of California, by resolution, such street as a state highway, it shall be the duty of the highway commission to include said street as a part of such state highway and it shall be the duty of said highway commission and department of engineering to construct, pave and repair such portion of said state highway so dedicated to the state, located in such municipality, to same width and of same material or equivalent thereto as the highway approaching such municipality is constructed of, and the expense therefor to be a charge against the State of California and be paid by the department of engineering out of any funds available to said department for the paying of new highway construction or maintenance.

SEC. 5. A new section is hereby added to the Political Code to be numbered three hundred sixty-five *g*, and to read as follows:

Condemna-
tion of land.

365*g*. The California highway commission is hereby authorized, in the name of the people of the State of California, to condemn, under the provisions of the Code of Civil Procedure of the State of California relating to eminent domain, any lands which it is by law authorized to purchase or acquire, and in that event said commission shall adopt a resolution declaring that public interest and necessity require the acquisition, construction or completion by the state, acting through said commission, of the improvement for which said land is required, and that the land described in such resolution is necessary therefor. Said resolution shall be conclusive evidence:

(a) Of the public necessity of such proposed public improvement;

(b) That such property is necessary therefor; and

(c) That such proposed public improvement is planned or located in the manner which will be most compatible with the greatest public good and the least private injury.

SEC. 6. A new section is hereby added to the Political Code to be numbered three hundred sixty-five *h* and to read as follows:

Additional
powers
and duties.

365*h*. The California highway commission, in addition to such other duties as may be imposed upon such commission by law, shall

(a) Make such investigations as will put at the service of the state the most approved methods of highway improvement.

(b) Compile statistics relative to the public highways of counties and municipalities.

(c) If deemed expedient by said commission and at the expense of the applicants, either in whole or in part, as determined by said commission, aid county, road or boulevard district or division and municipal authorities, upon request of such county, road or boulevard district or division and municipal authorities, in establishing grades and road drainage systems and advise with them as to the construction, improvement and maintenance of highways and bridges.

(d) If deemed expedient by said commission and at the expense of the applicants, either in whole or in part, as determined by said commission, cause plans, specifications and estimates to be prepared for the repair and improvement of highways and bridges, and in its discretion, also act as the consulting engineer for any county, road or boulevard district or division, or municipal authorities, when requested to do so by the county, road or boulevard district or division or municipal authorities; said commission may, in its discretion, and upon the request of the governing board of any county, permanent road division, road or boulevard district or division, accept the funds of any such political subdivision for deposit in the state treasury, said funds to be deposited in such state fund or funds as said commission may designate, and the California highway commission shall use and expend the funds so deposited for the construction of bridges, roads or boulevards situated within such political subdivision, in accordance with the plans and specifications and other terms as are mutually agreed upon by said commission, on behalf of the State of California, and such governing board; *provided, however*, that any bridge, road or boulevard constructed under the provisions of this section by and under the jurisdiction of said California highway commission shall revert to the original jurisdiction and control immediately upon the completion thereof, unless such bridge, road or boulevard shall, in the opinion of said commission, be and constitute an integral part of the state highway system as contemplated by the state highways act and the state highways act of 1915, or as otherwise provided by law; *and, further*, the governing board of any county, permanent road division, or road or boulevard district or division may pay into the state treasury, as provided herein, for the purposes hereof, any funds under its jurisdiction and control subject to use for bridge, road or boulevard purposes, created by tax levy or issuance of the bonds of any such political subdivision or otherwise.

(e) Investigate and determine upon the various methods of road construction adapted to the different sections of the state, as to the best methods of construction and maintenance of highways and bridges, and make such experiments in rela-

tion thereto from time to time as said commission deems expedient.

(f) Have the power to call upon any state, county or municipal official to furnish said commission with any information contained in his office which relates to, or is in any way necessary to, the proper performance of the work of said California highway commission, and it is hereby made the duty of such officials to furnish such information without cost.

(g) Obtain insurance from such insurance company or companies as said commission may select, protecting said commission and the individual members thereof, the state highway engineer and the various assistants and employees of said commission and engineer, all while on state business, against loss or damage because of injury to person or property of others by said insured while driving any truck or automobile and pay the premium on such insurance.

(h) Prepare biennial reports relating to road and highway work which shall be submitted to the governor at least thirty days before each session of the legislature.

(i) All expense incidental to or connected with the carrying out of the objects of this section is hereby declared part of the operating expense of said commission, and the payment of said expense out of the funds under the control of said commission is hereby authorized.

SEC. 7. A new section is hereby added to the Political Code to be numbered three hundred sixty-five i, and to read as follows:

Cooperation
with U. S.

365i. All cooperative highway work now existing or to be engaged in by the state with the United States government shall be placed under the California highway commission. All plans, estimates and specifications of road and highway work shall be approved by the California highway commission, and said commission shall have full power to determine the kind, quality and extent of such work under cooperation with said government. All agreements in reference to said cooperative work shall be signed on behalf of the State of California, either by the state highway engineer or the California highway commission. All unexpended moneys provided for by law on the aforesaid cooperative basis shall be expressly placed under the full control of the California highway commission, and the state controller shall transfer such funds to the credit of the said commission. Hereafter plans, estimates and specifications for such work shall be filed in the office of said commission. All moneys received by the state treasurer from the United States government under project agreements relating to federal aid road work shall be credited by the state controller to such fund or funds as the California highway commission shall designate.

SEC. 8. A new section is hereby added to the Political Code to be numbered three hundred sixty-five j and to read as follows:

365j. The California highway commission is authorized, subject to the approval of the board of control, to employ such assistants as may be necessary for the proper discharge of its duties and the performance of said work, including an attorney at law and such assistants as may be necessary, which said attorney shall act as the attorney and legal adviser of said commission in all matters. Employees and assistants provided for herein, shall be employed subject to the rules and regulations of the state civil service commission as provided for by law. No contract awarded by said commission shall be binding on the state until it is approved by said attorney, and his certificate to that effect made thereon, and no contract awarded by said commission need be submitted to or approved by the attorney general. The commission is further empowered, subject to the approval of the board of control to fix the compensation of all its assistants and employees and is also authorized subject to the approval of the board of control to purchase, rent, lease or exchange any supplies, instruments, tools and conveniences which it may deem necessary for the proper discharge of its duties and may, subject to the approval of the board of control, sell and dispose of all such supplies, instruments, tools and conveniences which it no longer requires. The state board of control may cause the said California highway commission to make all purchases under the provisions of the law creating a state purchasing department and all amendments thereto, and may from time to time waive or reestablish such provisions relating to the methods of making purchases.

Assistants
and
employees.

Approval
of contracts.

Purchase of
supplies.

SEC. 9. A new section is hereby added to the Political Code to be numbered three hundred sixty-five *k*, and to read as follows:

365*k*. Said California highway commission or said state highway engineer is authorized to require reports either verbal or in writing from any officer, assistant or employee who works under the direction or control of said California highway commission or said state highway engineer as to any or all matters concerning which said officer, employee or assistant is engaged and any such officer, employee or assistant who shall render a false report to either said California highway commission or said state highway engineer, knowing the same to be false, shall be guilty of a felony.

Reports of
subordinates.

SEC. 10. A new section is hereby added to the Political Code, to be numbered three hundred sixty-five *l*, and to read as follows:

365*l*. Said California highway commission shall cause to be prepared biennial reports which shall be submitted to the governor at least thirty days before each regular session of the legislature. Said reports shall embrace the work and investigations of the department under its charge for the previous two years, together with such recommendations for changes in the laws affecting the department as it may deem advisable. After the approval of the board of control, it

Biennial
reports.

Printing.

shall be the duty of the chief of the division of printing to print all reports, bulletins or other matters required by said California highway commission or said state highway engineer and furnish any necessary illustrations or diagrams therefor as the California highway commission or said state highway engineer may deem necessary, all of which shall however be subject to the approval of the state board of control.

SEC. 11. A new section is hereby added to the Political Code to be numbered three hundred sixty-five *m*, and to read as follows:

Oath of
office.

Official
bonds.

365*m*. Each of the members of the California highway commission and said state highway engineer and each of the officers, assistants and employees working under said California highway commission or said state highway engineer (except day laborers and casual employees) shall take the oath of office as prescribed for other state officers. Said state highway engineer shall give a bond in the sum of twenty thousand dollars for the faithful performance of the duties of his office and every officer, assistant or employee who shall work under the direction of said California highway commission or said state highway engineer, who is entrusted with moneys belonging to the state and who is not already required by law to furnish an official bond, shall file a bond, if said California highway commission or said state highway engineer shall request, in such an amount as said California highway commission or said state highway engineer shall deem proper, with two sufficient sureties thereon or with a surety company of recognized standing for the faithful performance of his trust, which bond must be approved by the state board of control and filed with the state treasurer. The premium or charge for every such bond, if given by a surety company, shall be paid by said California highway commission out of the moneys under its control.

SEC. 12. A new section is hereby added to the Political Code to be numbered three hundred sixty-five *n* and to read as follows:

Audit
of bills.

Traveling
expenses.

365*n*. The state board of control shall audit all bills or claims incurred by or presented against said California highway commission and said state highway engineer shall present claims to said board of control for all expenditures directly under his charge. The members of said commission, the state highway engineer and all other officers and employees of said commission and of said engineer shall be allowed their necessary traveling expenses while engaged in the discharge of their duties within the state.

SEC. 13. A new section is hereby added to the Political Code to be numbered three hundred sixty-five *o*, and to read as follows:

Revolving
fund.

365*o*. The sum of ten thousand dollars heretofore appropriated out of the state treasury shall be retained by said California highway commission to provide and maintain a permanent revolving fund for the payment of salaries and

wages of temporary or casual employees of said commission and for the payment of incidental expenses.

SEC. 14. A new section is hereby added to the Political Code to be numbered three hundred sixty-five *p*, and to read as follows:

365*p*. The powers and authority granted to said California highway commission and to said state highway engineer by this article shall not be construed as limiting or restricting any of the other powers or authority granted by law to said commission or said engineer. Effect on other powers.

CHAPTER 235.

An act to amend sections one hundred fifty-nine and one hundred sixty of an act entitled "California vehicle act," approved May 30, 1923, relating to the distribution and expenditures of funds provided by said act.

[Approved by the Governor May 19, 1925.]

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

SECTION 1. Section one hundred fifty-nine of the "California vehicle act," approved May 30, 1923, is hereby amended to read as follows: Stats. 1923, p. 588, amended.

Sec. 159. (a) There is hereby created in the state treasury a fund which shall be known as the "motor vehicle fund." The state treasurer shall deposit all money received by him from the division or otherwise under the provisions of this act into the motor vehicle fund. Motor vehicle fund.

(b) There is hereby appropriated out of such fund all moneys received as operators' license fees and chauffeurs' license fees and duplicate operators' and chauffeurs' license fees and in addition thereto such portion of the remainder of such motor vehicle fund not exceeding in any registration year twenty per cent thereof as may be necessary for the maintenance of the division of motor vehicles to be expended by the division in carrying out the provisions of this act. There shall be deducted from the sums which the division is allowed to expend hereunder such amount as may be allowed to said division in each calendar year under budget appropriation by the state legislature. The division may draw, without at the time furnishing vouchers and itemized statements, sums not to exceed in the aggregate ten thousand dollars, said sums so drawn to be used as a revolving fund where cash advances are necessary. At the close of each fiscal year the moneys so drawn must be accounted for and substantiated by vouchers and itemized statements submitted to and audited by the board of control and by the controller. The balance of said fund after the expenditure of so much as may be permitted by this act for the support of the division of motor vehicles shall be known as the "net receipts" and shall be devoted to the purposes and in the manner herein specified. Appropriations.
Revolving fund.
Net receipts.

Funds
apportioned
to counties.

(c) One-half of such "net receipts" is hereby appropriated and shall be paid from the motor vehicle fund to the counties of this state in proportion to the number of vehicles registered in such counties as determined by the places of residence of the owners to whom the registration certificates are issued; *provided*, that there shall be deducted from the amount to be paid hereunder to any county all amounts that may have been expended under the provisions of this act during and preceding six months to pay the compensation of state inspectors and traffic officers appointed to serve in such county. All amounts paid under this section to the counties shall be deposited in the road funds of the several counties receiving the same and shall be expended by such counties exclusively in the construction and maintenance of public roads, bridges and culverts in said counties respectively; *provided*, that the board of supervisors of any county may in its discretion expend any portion of such sums so received by such county in the construction, maintenance and repair of streets, bridges and culverts within those incorporated cities therein, the legislative bodies of which by ordinance authorize such work of construction, maintenance and repair. The board of supervisors of any county, or city and county, which is empowered by law to expend money for the construction of public highways outside of its corporate limits, may expend any portion of the amounts paid to the said county, or city and county, and deposited in the special road improvement fund or other road fund thereof, as herein in this section directed, in and for the construction of public highways outside of its corporate limits; *provided, however*, that the construction thereof is authorized by ordinance of the board of supervisors of the county, or city and county, in which said highway is to be constructed. Where such authorization is given by ordinance, as herein provided, the board of supervisors of the county, or city and county desiring the said construction, may, through its own boards, officers or commission expend the amounts herein authorized to be expended, or may, by ordinance of its board of supervisors, transfer said amounts to the account of the California highway commission and may by said ordinance specify and determine the route and type of construction of said highway, and the said amount thus transferred shall, if accepted by the said highway commission, be expended by said commission for the purpose specified and determined in said ordinance, and not otherwise.

County
road fund.

(d) The board of supervisors of each county in the state shall establish a road fund in the county treasury for the receipt of such funds received, as hereinbefore provided and shall also make an annual report to the California highway commission not later than three months after the close of the counties' fiscal year, upon forms to be provided by the California highway commission showing the amount of moneys received from the motor vehicle fund during the preceding fiscal year and the disposition of said moneys, specifying in

such detail as may be required by said California highway commission, to roads, bridges and culverts constructed or maintained out of said moneys and the sums applied to the several items of such construction or maintenance.

(e) The state controller shall in the months of February, and August of each year draw his warrants upon the motor vehicle fund in favor of the county treasurer of each county for the amount to which such county is entitled hereunder, except that the state controller shall not draw his warrant upon the motor vehicle fund in favor of the county treasurer of any county which has not established a road fund, as required hereunder, or which has failed, neglected or refused to file the report showing the amount of money theretofore received by such county from the motor vehicle fund and the disposition thereof, as hereinbefore required, until such county has established a road fund and shall make the reports herein required.

Controller's
duty.

(f) All moneys remaining in the motor vehicle fund after the expenditures hereinbefore in this section authorized, together with all sums that have been heretofore or that may be hereafter appropriated by the legislature for the same purpose, shall be paid into the state highway maintenance fund.

Moneys
remaining.

CHAPTER 236.

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

[Approved by the Governor May 19, 1925.]

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

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

Stats. 1910,
p. 1338,
amended.

an appropriation therefor," approved June 16, 1913, as amended, is hereby amended to read as follows:

Definitions.

Section 1. *First*—The term "commission" as used in this act means the "state civil service commissioner" as herein provided for, and the term "commissioner" or "any commissioner" as used in this act shall refer to and be construed to be the "state civil service commissioner" as hereinafter provided for.

Second—That 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 eight of the constitution of the state, and except county and township offices and employments.

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.

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 used in this act.

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

Sec. 2. There is hereby created the office of "state civil service commissioner," which office shall be filled by appointment by the governor for the term of four years. The commissioner may be removed by concurrent resolution of both houses of the legislature adopted by a two-thirds vote of each house. The commissioner shall receive an annual salary of five thousand dollars and shall devote all of his time to the duties of his office, which office shall be maintained at the city of Sacramento. The commissioner shall also receive his actual and necessary traveling expenses incurred in the performance of his duties. The total and items of all expenditures and obligations made, authorized, and incurred by the commissioner, shall not exceed the sums appropriated therefor by law.

In all other respects the duties, powers, and functions now conferred upon the civil service commission or commissioners are hereby vested in and conferred upon the state civil service commissioner as provided for herein.

Stats. 1921,
p. 1021,
amended.
State
civil service
commis-
sioner.

CHAPTER 237.

An act making an appropriation to meet the deficiency in the appropriation for salaries of officers and employees, Chico State Teachers College, for the seventy-fifth and seventy-sixth fiscal years.

[Approved by the Governor May 19, 1925.]

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

SECTION 1. The sum of eleven thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to meet the deficiency in the appropriation for salaries of officers and employees, Chico State Teachers College, for the seventy-fifth and seventy-sixth fiscal years. Appropriation: Chico State Teachers College.

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

CHAPTER 238.

An act to amend section twenty-two of the "inheritance tax act," approved June 3, 1921, as amended.

[Approved by the Governor May 19, 1925.]

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

SECTION 1. Section twenty-two of the "inheritance tax act," approved June 3, 1921, as amended, is hereby amended to read as follows: Stats. 1921, p. 1522, amended.

Sec. 22. All taxes levied and collected under this act shall be paid into the state treasury to the credit of the general fund. Disposition of taxes.

CHAPTER 239.

An act to amend the California vehicle act, approved May 30, 1923, entitled "An act to regulate the use and operation of vehicles upon the public highways and elsewhere; to provide for the registration and identification of motor vehicles, trailers and semi-trailers and for the payment of registration fees therefor; to provide for the licensing of persons operating motor vehicles; to prohibit certain persons from operating vehicles upon the public highways; to prohibit the possession or use of or injury to a motor vehicle without the consent of the owner thereof, and to prohibit the offer to or acceptance by certain persons of any bonus or discount or other consideration for the purchase of supplies or parts for motor vehicles, or for work or repair done thereon; to provide for records to be kept by persons operating public garages and for notices to be

given by owners of private garages; to provide penalties for violations of provisions of this act, and to provide for the disposition of fines and forfeitures imposed thereon; to limit the power of local authorities to enact or enforce ordinances, rules or regulations in regard to matters embraced within the provisions of this act; to provide for the disposition of registration and license fees; fines and forfeitures collected hereunder; to provide for the organization, powers and duties and for the maintenance of the division of motor vehicles; to provide for carrying out the objects of this act, and to make appropriation therefor; to provide for the time this act shall go into effect, and to repeal all acts or parts of act in conflict with this act," by amending sections numbered fifty-eight, fifty-nine, sixty-one, sixty-three, sixty-four and seventy-three thereof, relating to operators' and chauffeurs' licenses.

[Approved by the Governor May 16, 1925.]

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

Stats. 1923,
p. 531,
amended.

SECTION 1. Section fifty-eight of the California vehicle act, approved May 30, 1923, is hereby amended to read as follows:

Drivers'
licenses.

Sec. 58. Operators and chauffeurs must be licensed. (a) It shall be unlawful for any person to drive a motor vehicle upon any public highway in this state, whether as an operator or a chauffeur, unless such person has been licensed as an operator or chauffeur, except such persons as are expressly exempted under this act.

(b) Every person before driving a motor vehicle as an operator shall apply to the division for an operator's license, and every person before driving a motor vehicle as a chauffeur shall apply to the division for a chauffeur's license, except as herein otherwise provided.

(c) Every operator's and chauffeur's license which at the time this amendment takes effect is valid and in the possession of the person to whom it was issued under the laws of this state shall be deemed valid until revoked or suspended as in this act provided and such person in possession thereof need not apply for a similar license hereunder, except that every chauffeur's license shall be renewed annually as provided in the California vehicle act.

Stats. 1923,
p. 531,
amended.

SEC. 2. Section fifty-nine of said act is hereby amended to read as follows:

Temporary
permit.

Sec. 59. Temporary permit. Any person who is of sufficient age to obtain an operator's license hereunder may apply to the division for a driver's permit. The division, upon good cause being shown, may in its discretion issue to the applicant a driver's permit which shall entitle the applicant, while having such permit in his immediate possession, to drive a motor vehicle upon the public highways for a period of thirty days when accompanied by a licensed operator or chauffeur.

SEC. 3. Section sixty-one of said act is hereby amended to read as follows: Stats. 1923,
p. 582,
amended.

Sec. 61. Form of application. (a) Every application for an operator's or chauffeur's license shall be made upon the approved form furnished by the division and shall state whether the application is for an operator's license or a chauffeur's license. Form of
application.

Every application shall also contain the name, age, sex, and the residence address of the applicant, and whether or not the applicant has heretofore been licensed as an operator or chauffeur and if so when and by what state, and whether or not such license has ever been suspended or revoked and if so the date of and reason for such suspension or revocation. Contents.

(b) Every application shall be verified by the applicant before a person authorized to administer oaths and for the purposes of this section officers and employees of the division are hereby authorized to administer oaths without fee and the applications in addition to the foregoing matters, shall contain a statement as to the qualifications of the applicant for a license, including a statement as to the condition of the applicant's hearing and eyesight and whether such person has the normal use of both hands and both feet or has ever been afflicted with epilepsy, paralysis, insanity or other disability or disease affecting such person's ability to exercise reasonable and ordinary control over a motor vehicle while operating the same upon a public highway and whether such person has previously operated any motor vehicle and if so, for what length of time, and whether such person is able to understand highway warning and direction signs. Verification.

SEC. 4. Section sixty-three of said act is hereby amended to read as follows: Stats. 1923,
p. 582,
amended.

Sec. 63. Division may examine applicants. Whenever the division shall deem it necessary it may require the applicant before receiving an operator's or chauffeur's license to submit to an examination by the division or its authorized representatives as to the qualifications of such person for a license, and the division shall make provision for examination in the county wherein the applicant may reside within not more than five days from the date such application is presented to the division; *provided*, that a licensed operator may drive a vehicle as a chauffeur after applying for a chauffeur's license and pending an examination and action by the division upon such application for a chauffeur's license. Qualifica-
tions.

The examination may include a test of the applicant's hearing and eyesight and of his ability to understand highway warning and direction signs, and he may be required to give an actual demonstration of his ability to exercise ordinary and reasonable control in the operation of a motor vehicle by driving the same under the supervision of an examining officer. The examination may also include such other matters Examination
of
applicants.

as may be necessary to enable the division to determine that the applicant is entitled to a license under the provisions of this act.

Stats. 1923,
p. 532,
amended.

Who shall
not be
licensed.

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

Sec. 64. What persons shall not be licensed as operators or chauffeurs. (a) An operator's license shall not be issued to any person under the age of fourteen years, and no chauffeur's license shall be issued to any person under the age of eighteen years; *provided*, it shall be unlawful for any person, operator or chauffeur, under the age of eighteen years to drive a motor vehicle while in use as a school bus for the transportation of pupils to or from school.

Suspension
or
revocation.

(b) The division shall not issue an operator's or chauffeur's license to any person whose license, either as operator, or chauffeur, has been suspended until the expiration of the period for which such license was suspended, nor to any person whose license has been revoked under the provisions of this act until the expiration of one year after such license was revoked.

Drunkard
or drug
addict.

(c) The division shall not issue an operator's or chauffeur's license to any person who it has determined is an habitual drunkard or is addicted to the use of narcotics or drugs.

Insane or
feeble-
minded.

(d) No operator's or chauffeur's license shall be issued to any applicant who has previously been adjudged insane or an idiot, imbecile, epileptic or feeble-minded, and who has not at the time of such application been restored to competency and declared sane and fully recovered by judicial decree or released from a hospital for the insane or feeble-minded upon a certificate of the superintendent that such person is discharged as fully recovered.

Physically
or mentally
deficient.

(e) The division shall not issue an operator's or chauffeur's license to any person when, in the opinion of the division or its authorized representatives such person is unable to exercise reasonable and ordinary control over a motor vehicle while operating the same upon the public highways because afflicted with epilepsy or paralysis, or by reason of defective hearing or eyesight, or lack of both hands or both feet, or lack of muscular control over his extremities, or is unable to demonstrate his ability to exercise reasonable and ordinary control over the operation of a motor vehicle by a driver's test, as hereinbefore provided, or who is unable to understand highway warning and direction signs.

Court
hearing.

(f) Any person denied a license or whose license has been revoked by the division shall have the right to file an application within thirty days thereafter for a hearing in the matter in the superior court of the State of California, in the county wherein the applicant shall reside, and such superior court is hereby vested with jurisdiction and it shall be its duty to set the matter for hearing upon ten days' written notice to the chief of the division of the date of such hearing, and thereupon to take testimony and examine into the facts of the case

and to determine whether the applicant is entitled to a license or is subject to revocation of license under the provisions of this act. Such decision shall be final and conclusive without right to appeal.

SEC. 6. Section seventy-three of said act is hereby amended to read as follows: Stats. 1923, p. 534, amended.

Sec. 73. Revocation or suspension of license by the division. (a) The division shall forthwith revoke the license of any person upon receiving satisfactory evidence of the conviction of such person of any of the following crimes: Revocation or suspension of license by division.

(1) Manslaughter resulting from the operation of a motor vehicle.

(2) Any crime constituting a felony under the California vehicle act or of any other felony in the commission of which a motor vehicle is used.

(3) Conviction upon one or more charges of reckless driving and one or more charges of speeding, making a total of three convictions or three convictions upon charges of either reckless driving or speeding all within the same calendar year.

(b) The division may conduct an investigation and hearing to determine whether the license of an operator or chauffeur shall be suspended or revoked in any of the following events: Complaints.

(1) Upon receiving a verified complaint that any person is afflicted with such mental or physical infirmities or disabilities as would constitute ground for refusal of a license under this act.

(2) Upon receiving a verified complaint that any person has driven a motor vehicle in a reckless or negligent manner and has thereby caused death or injury to any person or serious damage to property and upon investigation following such complaint, inquiry shall be made, and the division shall have jurisdiction to determine whether the license of any operator or chauffeur involved in or contributing to such accident shall be suspended or revoked, and no testimony or record of suspension or revocation of a license by the division following such complaint shall be admissible as evidence in any court in any action at law for negligence arising out of or involving such accident, nor shall any testimony or record of a conviction of any person of a misdemeanor under the California vehicle act be admissible as evidence in a civil action brought against the person so convicted.

(3) Upon receiving a verified complaint that an operator or chauffeur is an habitual reckless, negligent or incompetent driver of any motor vehicle.

(c) The chief of the division shall determine the sufficiency of any complaint filed hereunder, and in his discretion shall have power to set a time for hearing in the county wherein the person complained of shall reside, and such person shall be entitled to at least ten days' previous notice of such hearing from the division and such hearing shall be held by the chief of the division or by any person or persons not exceeding three, officers or employees of the division whom he may designate. Hearings.

Evidence.

(d) The chief of the division or the person or persons designated by him and holding such hearing may summon witnesses in behalf of the state and such witnesses as may be designated by the person under investigation, and may administer oaths and take testimony or cause depositions to be taken, and the supreme court, any district court of appeal or any superior court shall have jurisdiction upon the application of the division to enforce all lawful orders of the division under this section. The failure of the respondent to appear at the time and place of hearing after notice, as provided in this section, shall not prevent the hearing, the taking of testimony and determination of the matter as herein provided. The fees for the attendance and travel of witnesses shall be the same as for witnesses before the superior court and shall be paid by the state upon demand by the division filed with the controller.

Findings and orders.

(e) Upon the conclusion of such hearing, the chief of the division or the person or persons holding such hearing on his behalf shall prepare findings based upon the evidence received and considered. If the findings are to the effect that the person referred to therein is incompetent or is unfit to operate a motor vehicle upon any of the grounds upon which license might be refused, as stated in this act, the chief of the division upon a review of such findings shall have authority to forthwith revoke the license of such person, or if the findings are to the effect that the person therein referred to has by reason of negligent or reckless driving endangered life, limb or property or has thereby caused loss of life or injury to person or property, the chief of the division upon a review of such findings shall have power to suspend the license of such person for a period not exceeding six months, or may revoke such license, and in either event shall require that such license certificate and any chauffeur's badge issued to such person be surrendered to the division.

Return of license or badge.

(f) Upon the expiration of the period of the suspension of any license as hereinbefore in this section provided for, the division shall return to the licensee his license certificate, or in its discretion may issue to him a new certificate; and in like manner the division shall return to any chauffeur, whose license badge may have been forwarded to the division upon suspension of his license, such license badge or issue to such licensee a new badge.

CHAPTER 240.

An act to amend the California vehicle act, approved May 30, 1923, entitled "An act to regulate the use and operation of vehicles upon the public highways and elsewhere; to provide for the registration and identification of motor vehicles, trailers and semi-trailers and for the payment of registration fees therefor; to provide for the licensing of persons operating motor vehicles; to prohibit certain persons from operating vehicles upon the public highways;

to prohibit the possession or use of or injury to a motor vehicle without the consent of the owner thereof, and to prohibit the offer to or acceptance by certain persons of any bonus or discount or other consideration for the purchase of supplies or parts for motor vehicles, or for work or repair done thereon; to provide for records to be kept by persons operating public garages and for notices to be given by owners of private garages; to provide penalties for violations of provisions of this act, and to provide for the disposition of fines and forfeitures imposed thereon; to limit the power of local authorities to enact or enforce ordinances, rules or regulations in regard to matters embraced within the provisions of this act; to provide for the disposition of registration and license fees, fines and forfeitures collected hereunder; to provide for the organization, powers and duties and for the maintenance of the division of motor vehicles; to provide for carrying out the objects of this act, and to make appropriation therefor; to provide for the time this act shall go into effect, and to repeal all acts or parts of acts in conflict with this act" by amending sections numbered two, thirty-six, thirty-seven, forty, forty-one, forty-four, forty-five, seventy-seven, eighty, eighty-five, one hundred, one hundred one, one hundred two, one hundred fourteen, one hundred thirty, one hundred thirty-one, one hundred thirty-eight, one hundred forty-five, one hundred fifty-three, one hundred fifty-four, one hundred fifty-five and one hundred fifty-nine, relating to the use, operation and equipment of vehicles, the registration of vehicles and the fees to be paid therefor, notices to be given upon exporting or dismantling motor vehicles and regulating the procedure to be followed in enforcing the provisions of the act.

[Approved by the Governor May 16, 1925.]

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

SECTION 1. Section two of the California vehicle act, approved May 30, 1923, is hereby amended to read as follows: Stats. 1923,
p. 518,
amended.

Sec. 2. "Vehicle." Every device in, upon or by which any person or property is or may be transported or drawn upon a public highway excepting devices moved by human power or used exclusively upon stationary rails or tracks; *provided*, that for the purposes of this act, a bicycle shall be deemed a vehicle. "Vehicle."

SEC. 2. Section thirty-six of said act, approved May 30, 1923, is hereby amended to read as follows: Stats. 1923,
p. 522,
amended.

Sec. 36. Applications for registration. (a) Every owner of a motor vehicle, trailer or semi-trailer which shall be operated upon the public highways of this state shall for each such vehicle owned, except as herein otherwise provided, apply to the division for the registration thereof. Applications
for
registration.

(b) Application for the registration of a vehicle herein required to be registered shall be made upon the appropriate

form furnished by the division and shall contain the name and address of the owner and legal owner, also a description of the vehicle, including the name of the maker, the motor number, the date first sold by the manufacturer or dealer to the consumer and such further description of the vehicle as shall be called for in the form, and such other information as may be required by the division.

(c) In the event that the vehicle to be registered should be a specially constructed, reconstructed or an imported vehicle, such fact shall be stated in the application, and upon the registration of every imported motor vehicle which has been registered theretofore in any other state or country, the owner shall surrender to the division all number plates, seals, certificates of registration or other evidences of such former registration as may be in the applicant's possession or control.

Exceptions.

(d) The provisions of this act requiring the registration of certain vehicles shall not apply to implements of husbandry temporarily drawn, moved, or otherwise propelled upon the public highways.

Stats. 1923,
p. 522,
amended.

Powers of
division
regarding
registrations.

Sec. 3. Section thirty-seven of said act, approved May 30, 1923, is hereby amended to read as follows:

Sec. 37. Division to determine registrations. (a) It shall be the duty of the division and the officers and deputies thereof to examine and to the best of their ability to determine the genuineness and regularity of every registration and transfer of registration of a vehicle as in this act provided, in order that every certificate issued for a vehicle shall contain true statements of the ownership thereof, and to prevent the registration of a vehicle by any person not entitled thereto, and the division is hereby authorized to require any applicant to furnish such information in addition to that contained in the application as may be necessary to satisfy the division of the truth and regularity of the application.

(b) Whenever application shall be made to the division for the transfer of registration to a new owner or legal owner of a vehicle previously registered hereunder and the applicant is unable to present the certificate of registration or ownership previously issued for such vehicle by reason of the same being lost or unlawfully detained by one in possession or the same is otherwise not available, the division is hereby authorized to receive such application and to examine into the circumstances of the case and may require the filing of affidavits or other information, and when the division is satisfied that the applicant is entitled thereto is hereby authorized to transfer the registration of such vehicle, or re-register such vehicle and issue new certificates of ownership and registration to the person or persons found to be entitled thereto.

Stats. 1923,
p. 523,
amended.

Posting
of records.

Sec. 4. Section forty of said act is hereby amended to read as follows:

Sec. 40. Records to be posted. The division shall post daily a record of all new vehicle registrations and transfers of

registration upon public bulletin boards to be maintained by the division in each of its offices. No information relative to the matters required to be set forth in such posted records shall be made public by any officer or employee of the division in advance of such posting.

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

Stats. 1923, p. 523, amended.

Sec. 41. Certificates of registration and ownership. Upon the registration of a vehicle the division shall issue a certificate of registration to the owner and a certificate of ownership to the legal owner, or both to a person who is both owner and legal owner, which certificates shall meet the following requirements:

Certificates of registration and ownership.

(1) Both the certificate of registration and the certificate of ownership shall contain upon the face thereof the date issued, the registration number assigned to the owner and to the vehicle, the name and address of the owner and legal owner in typewriting, also such description of the registered vehicle, including the date first sold by the manufacturer or dealer to the consumer and such other statement of facts as may be determined by the division.

(2) The reverse side of the certificate of ownership only shall contain forms for notice to the division of a transfer of the title or interest of the owner or legal owner and application for registration by the transferee.

(3) Whenever a vehicle is first registered hereunder the division shall issue a suitable container with the certificate of registration issued for such vehicle. Every owner upon receipt of a certificate of registration shall place the same in the container furnished therewith or heretofore furnished and shall securely fasten the same in plain sight within the driver's compartment of the vehicle for which such certificate is issued, or in the event the vehicle is a motorcycle, a trailer or semi-trailer, shall fasten the certificate of registration thereto in plain sight or carry such certificate in the tool bag or other convenient receptacle attached to such vehicle.

Containers.

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

Stats. 1923, p. 524, amended.

Sec. 44. Renewal of Registration. (a) Every vehicle registration under this act shall expire at midnight on the thirty-first day of December of each year, and shall be renewed annually upon application by the registered owner by presentation of the certificate of registration for the current year and by payment of the same fees as provided for original registration, and such renewal shall take effect on the first day of January of each year. The certificates of registration issued hereunder shall be valid during the registration year only for which issued, and the certificates of ownership shall remain valid until canceled by the division upon a transfer of any interest shown therein and need not be renewed annually. Upon annual renewal whenever the legal owner of a vehicle is other than the registered owner the

Renewal of registration.

division shall immediately notify such legal owner by mail of the registration number assigned to such vehicle for the ensuing year.

(b) The owner of a vehicle registered under the provisions of this act who has duly applied for the annual renewal of registration of such vehicle within thirty days after annual expiration of license, accompanying such application with the proper fee for such registration, shall be entitled to operate such vehicle until midnight of January thirty-first without displaying the registration certificate of the current year, on condition that such owner shall, during said thirty days, display upon such vehicle the number plates or plate assigned thereto for the previous year.

Stats. 1923,
p. 524,
amended.

Transfer of
title or
interest.

SEC. 7. Section forty-five of said act is hereby amended to read as follows:

Sec. 45. Transfer of title or interest. (a) Upon a transfer of the title or interest of a legal owner or owner in or to a vehicle registered under the provisions of this act as hereinbefore required, the person or persons whose title or interest is to be transferred and the transferee shall write their signatures with pen and ink upon the certificate of ownership issued for such vehicle, together with the address of the transferee, in the appropriate spaces provided upon the reverse of said certificate.

(b) Within ten days thereafter, the transferee shall forward both the certificate of ownership so indorsed and the certificate of registration to the division, which shall file the same upon receipt thereof.

(c) The provisions of subdivision (b) of this section requiring a transferee to forward the certificate of ownership after endorsement and the certificate of registration to the division shall not apply to the transferee of a vehicle not intending to and who does not drive such vehicle or permit such vehicle to be driven upon the public highways, but every such transferee shall upon transferring his interest or title to another give notice of such transfer to the division and endorse the certificate of ownership as herein provided and deliver the certificate of ownership to the new legal owner and the certificate of registration to the new owner.

(d) The division upon receipt of the certificate of ownership properly indorsed as required herein and the certificate of registration of such vehicle shall register such vehicle as hereinbefore provided with reference to an original registration, and shall issue to the owner and legal owner entitled thereto, by reason of such transfer, a new certificate of registration and certificate of ownership respectively in the manner and form hereinbefore provided for original registration.

(e) Until said division shall have issued said new certificate of registration and certificate of ownership as hereinbefore in subdivision (d) provided, delivery of such vehicle shall be deemed not to have been made and title thereto shall be deemed not to have passed and said intended transfer shall

be deemed to be incomplete and not to be valid or effective for any purpose.

(f) In the event of the transfer by operation of law of the title or interest of a legal owner or owner in and to a vehicle registered under the provisions of this act, as upon inheritance, devise or bequest, order in bankruptcy or insolvency, execution sale, repossession upon default in performance of the terms of a lease or executory sales contract, or otherwise than by the voluntary act of the person whose title or interest is so transferred, the executor, administrator, receiver, trustee, sheriff or other representative or successor in interest of the person whose title or interest is so transferred shall forward to the division of motor vehicles an application for registration in the form required for an original application for registration, together with a verified or certified statement of the transfer of such title or interest which statement shall set forth the reason for such involuntary transfer, the title or interest so transferred, the name or names of the person or persons whose title or interest is sought to be transferred, the name or names and addresses of the person or persons to whom such title or interest is to be transferred, the process or procedure effecting such transfer and such other information as may be requested by the division and with such statement shall be furnished such evidence and instruments as may be otherwise required by law to effect a transfer of legal title to or an interest in chattels as may be required in such cases, and in the event the chief of the division shall be satisfied that such transfer is regular and that all formalities as required by law have been complied with, he shall cause to be sent to the owner and legal owner notice of such intended transfer and thereafter, but not less than five days thereafter, shall register such vehicle or effect the transfer of the registration thereof and shall issue a new certificate of registration and a new certificate of ownership to the person or persons entitled thereto. The notice herein required shall be deemed complied with by deposit in the post-office in Sacramento such notice, postage prepaid, addressed to such person or persons at their last known addresses. In the event of the death of an owner or legal owner of not more than one motor vehicle, trailer or semi-trailer registered hereunder and not exceeding a value of one thousand dollars, without leaving other property necessitating the procuring of letters of administration or letters testamentary, then the surviving husband or wife or other heir in the order named in section one thousand four hundred fifty-four of the Code of Civil Procedure, unless such property is by will otherwise bequeathed, may secure a transfer of the registration of the title or interest of the deceased in and to such vehicle to the name of the surviving husband or wife or other heir, as above mentioned, upon filing with the division an affidavit of such person setting forth the fact of such survivorship and the names and addresses of any other heirs and such other facts as are hereby made neces-

sary to entitle the affiant to a transfer, and thereupon the division is authorized to make such transfer of the registration of such vehicle.

Assignment of title or interest.

(g) Nothing in the foregoing subdivisions of this section shall prevent a legal owner from assigning his title or interest in or to a vehicle registered under the provisions of this act to another legal owner without the consent of and without affecting the interest of the holder of the certificate of registration thereof. Upon filing with the division of a certificate of ownership endorsed by the legal owner and a transferee of legal ownership, the division shall enter the name of the new legal owner upon the records of the division and shall issue a new certificate of ownership to the new legal owner and a new certificate of registration to the registered owner in the form hereinbefore provided for original registration.

The registered owner upon receiving such new certificate of registration shall immediately sign the same and place it in the vehicle to which it refers, and shall destroy the former certificate of registration for such vehicle issued to and in the possession of such registered owner.

Stats. 1923, p. 536, amended.

SEC. 8. Section seventy-seven of said act is hereby amended to read as follows:

Registration fees.

Sec. 77. Registration fees. (a) A registration fee of three dollars shall be paid to the division for the registration of every motor vehicle, trailer, or semi-trailer except for those which are exempted in this act, and such fee shall be paid at the time application is made for registration.

Electric vehicles.

(b) In addition to the registration fee specified in subdivision (a) of this section, there shall be paid for the registration of every electric passenger motor vehicle a registration fee of ten dollars, and for the registration of every electric motor vehicle designed, used or maintained primarily for the transportation of passengers for hire, or for the transportation of property, there shall be paid fees according to the following schedule:

For each such vehicle weighing, when unladen,	
less than 6,000 pounds.....	\$40.00
For each such vehicle weighing, when unladen,	
6,000 pounds or more, but less than	
10,000 pounds	60.00
For each such vehicle weighing, when unladen,	
10,000 pounds or more.....	80.00

Vehicles for transportation for hire.

(c) The following registration fees in addition to the registration fee specified in subdivision (a) of this section shall be paid for the registration of vehicles, including trailers and semi-trailers, designed, used or maintained primarily for the transportation of passengers for hire or for the transportation of property, according to the following table, except that the fees specified in this subsection need not be paid for electric vehicles, nor for camping semi-trailers weighing not to exceed five hundred pounds unladen nor for vehicles which

are used exclusively in the transportation of free delivery mails:

When such vehicles are equipped wholly or partly with other than pneumatic tires:

For each such vehicle weighing, when unladen, less than 3,000 pounds-----	\$10.00
For each such vehicle weighing, when unladen, 3,000 pounds or more, but less than 6,000 pounds	20.00
For each such vehicle weighing, when unladen, 6,000 pounds or more, but less than 10,000 pounds -----	30.00
For each such vehicle weighing, when unladen, 10,000 pounds or more-----	40.00

When such vehicles are equipped wholly with pneumatic tires there shall be paid in addition to the fee specified in subdivision (a) of this section fees according to the weight thereof unladen amounting to one-half the fees set forth in the foregoing table.

For the purposes of this section, a vehicle weighing less than three thousand pounds unladen and equipped with cushion tires shall be deemed to be equipped with pneumatic tires.

Upon registration issued after the beginning of the registration year, the fees required under subdivisions (b) and (c) of this section shall be reduced by one-fourth for each three months which shall have elapsed since the beginning of the registration year.

Part of year.

No vehicle other than a truck, trailer or semi-trailer shall for the purposes of this section be deemed to be a commercial vehicle or subject to the payment of the fees based upon weight specified in this subsection which is only occasionally or incidentally used for the transportation of property and the fact that a vehicle is equipped with a box or other receptacle for the carrying of personal property incidentally or occasionally shall not be deemed to render such vehicle subject to payment of the fees specified in this subsection; *provided*, that in any event where the fee specified in subdivision (a) of this section has been paid for the registration of a vehicle of the class referred to in this paragraph, such vehicle shall not be seized by the division under a claim of lien for nonpayment of any fee specified in this subdivision until there has first been a judicial determination of the question whether such vehicle is subject to such additional fee.

Commercial vehicles.

(d) If the license tax provided for by that certain act entitled "An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and disposition of license taxes, prescribing penalties for violation of the provisions of said act, and repealing all acts and parts of acts inconsistent herewith," heretofore or hereafter adopted by the legislature at its forty-fifth session is held by the supreme court of the State of California, or by the supreme court of

Fees to be charged if gasoline tax is declared unconstitutional.

the United States, to be unconstitutional then beginning with the first year next succeeding the date upon which such decision becomes final there shall be paid upon and for the registration and reregistration of every motor vehicle with the division of motor vehicles, in addition to any other fees imposed by law, a registration fee of five dollars for every electric motor vehicle and for every other motor vehicle a fee amounting to the sum of forty cents for each horsepower or major fraction thereof of such motor vehicle and a proportionate amount thereof for the registration of such vehicle for a period of less than one year. The horsepower of any motor vehicle, except electric or steam driven vehicles, shall be determined by the formula commonly known as that of the association of licensed automobile manufacturers (A. L. A. M.), being as follows: Square the diameter of the cylinder in inches, multiply by the number of cylinders, and divide by two and five-tenths; *provided*, that for the purposes hereof the horsepower of any steam driven motor vehicle shall be the horsepower rating fixed and advertised by the manufacturer thereof. In the event that registration fees for electric motor vehicles and fees based on horsepower as hereinabove specified shall be collected, all such fees shall be paid into the motor vehicle fund of the State of California, and shall be distributed and used for such purposes as may be provided by law for the distribution and use of said motor vehicle fund; *and provided, further*, that in the event the provisions of this section, relative to registration fees, based upon horsepower rating, shall become effective the provisions of this section contained in subdivisions (a) and (b) shall be deemed to be superseded.

Stats. 1928,
p. 538,
amended.

SEC. 9. Section eighty of said act is hereby amended to read as follows:

Fees for: (a)
transfer of
registration;

Sec. 80. Fees for transfer of registration and for duplicate number plate or registration certificate. (a) Upon the transfer of registration of a motor vehicle, trailer or semi-trailer, by an owner or legal owner other than in the event stated in subdivision (c) of section forty-five of the California vehicle act, there shall be paid a transfer fee of one dollar.

(b) dupli-
cate plate
for
certificate.

(b) Whenever any certificate of registration or of ownership or container for a registration certificate or number plate shall be lost or destroyed and a duplicate thereof shall be issued upon application the following fees shall be paid:

For a certificate of registration or ownership-----	\$0.50
For a container for a registration certificate-----	.25
For every number plate-----	1.00

Stats. 1923,
p. 540,
amended.

SEC. 10. Section eighty-five of said act is hereby amended to read as follows:

Gross
weight.

Sec. 85. Gross weight of vehicles and loads. (a) No vehicle shall be operated or moved upon any public highway which has a total weight, including vehicle and load, in excess of twenty-two thousand pounds when such vehicle is equipped with four wheels running on the highway or having a total weight, including the vehicle and load, of thirty-four thousand pounds when said vehicle is equipped with six wheels or with

eight or more wheels; *provided*, that no vehicle shall be operated upon the public highways of this state when the weight thereof exceeds eighteen thousand pounds on any one axle or the weight thereof on any one wheel resting upon the roadway exceeds nine thousand pounds.

(b) Any vehicle equipped with four wheels, all of which are cushion wheels running on the highway, may be operated upon the public highway when the gross weight of such vehicle and load does not exceed twenty-three thousand pounds. Exception.

(c) Anything in this section to the contrary notwithstanding, it shall be lawful to operate until midnight on the thirty-first day of December, one thousand nine hundred and twenty-six, any vehicle weighing, when unladen, ten thousand pounds or more, registered at the time this section becomes effective which has a total weight including vehicle and load not in excess of twenty-four thousand pounds when such vehicle is equipped with four wheels running on the highway. Limitation.

(d) Vehicles with a permissible gross weight of twenty-four thousand pounds shall have painted on both sides and rear the words and numerals: "Permissible gross weight 24,000 lbs." in lettering not less than three inches in height. The certificates of such vehicles shall bear the original manufacturer's or dealer's sales date, which shall be verified by the division. Permissible weight signs.

Sec. 11. Section one hundred of said act is hereby amended to read as follows: Stats. 1923, p. 546, amended.

Sec. 100. Headlamps on motor vehicles. (a) Every motor vehicle other than a motorcycle or farm tractor and except as otherwise provided herein, when upon any public highway during the times and under the conditions mentioned in section ninety-nine hereof, shall be equipped with two headlights of approximately equal candle power at the front of and on opposite sides of such vehicle. Such headlights shall be so attached to such motor vehicle that the centers thereof shall be not more than fifty-four inches above the level surface upon which the vehicle stands. Headlights.

(b) The term "headlight" as used herein shall denote a light located upon the front or other portion of a vehicle, the rays of which are projected forward, other than a sidelight or a spotlight. "Headlight" defined.

(c) Motor vehicles may also be equipped with two sidelights but no more or less. The term "sidelights" shall include any lights upon a motor vehicle other than headlights or spotlights, the rays of which project forward. No electric lamps or bulbs shall be used in any sidelight which exceeds four candle power. "Sidelights."

Sec. 12. Section one hundred one of said act is hereby amended to read as follows: Stats. 1923, p. 546, amended.

Sec. 101. Construction, arrangement and adjustment of headlights. The headlights of motor vehicles shall be so constructed, arranged and adjusted that they will, at all times mentioned in section ninety-nine and under normal atmos- Construction, arrangement and adjustment of headlights.

pheric conditions, produce ample driving light for the use of the operator of such vehicle but will not project a glaring or dazzling light to persons approaching such lights or to persons whom such headlights may approach.

Headlights shall be presumed to comply with this section if they comply with the following requirements and limitations when the vehicle upon which they are affixed is fully loaded; such compliance shall be presumed if such headlights are affixed to such vehicle in the manner required by this act and are of a type, or are equipped with lenses, reflectors or control devices which have been found to meet such requirements and limitations by the laboratory test provided in section one hundred two and when used in accordance with the instructions of the testing agency.

The light projected by such headlights shall be as follows:

1. In the median vertical plane parallel to the lamps on a level with the centers of the lamps, not less than one thousand eight hundred apparent candle power.

2. In the median vertical plane, one degree of arc below the level of the center of the lamps, not less than seven thousand two hundred apparent candle power and there shall not be less than seven thousand two hundred apparent candle power anywhere on the horizontal line through this point one degree to the left or to the right of this point.

3. In the median vertical plane, one degree of arc above the level of the center of the lamps not more than fifteen hundred, nor less than five hundred, apparent candle power.

4. Four degrees of arc to the left of the median vertical plane and one degree of arc above the level of the center of the lamps, not more than eight hundred apparent candle power.

5. One and one-half degrees of arc below the level of the center of the lamps and three degrees of arc to the left and to the right, respectively, of the median vertical plane, not less than five thousand apparent candle power nor less than this amount anywhere on the line connecting these two points.

6. Three degrees of arc below the level of the center of the lamps and six degrees of arc to the left and to the right, respectively, of the median vertical plane, not less than two thousand apparent candle power nor less than this amount anywhere on the line connecting these two points.

Provided, it shall be lawful, when the above requirements and limitations are otherwise complied with, to so construct or equip the headlights of motor vehicles as to permit that the beams of light projected therefrom be depressed downward not more than three degrees of arc below the level otherwise required under this section but without diminishing the amount of light projected therefrom when so depressed. When the division of motor vehicles shall determine that any such device, when so operated during the times and under the conditions mentioned in section ninety-nine, will project a glaring or dazzling light to persons in front of such headlights or that such headlights when equipped or constructed with such

device fail to produce ample driving light for the use of the driver of such vehicle, then the division shall refuse approval for the use thereof.

SEC. 13. Section one hundred two of said act is hereby amended to read as follows:

Sec. 102. Headlight devices to be tested. (a) Before any headlight lens, reflector or headlight control device intended to enable a headlight to comply with the provisions of this act shall be used upon any motor vehicle, such headlight lens, reflector or headlight control device shall first be submitted to and tested by a testing agency appointed by the division and a certificate of approval as hereinafter specified be procured from such testing agency.

(b) The division shall appoint skilled deputies or agents possessing the proper qualifications and laboratory equipment to carry out the tests specified in this act.

(c) Any person, firm or corporation may submit to the chief of the division of motor vehicles a headlight lens, reflector or headlight control device and make application that the same be tested as to conformity with the requirements of this act, or may apply to the division of motor vehicles for a certificate of approval without submitting such headlight lens, reflector or headlight control device to a test by the testing agency appointed by the division of motor vehicles when such application is accompanied by a certificate of approval from the bureau of standards of the department of commerce of the United States, stating that such headlight lens, reflector or headlight control device has been tested in accordance with the conditions of this act by said bureau and found by it to comply with the requirements of this act, said certificate having incorporated thereon complete instructions for the adjustment and use of said headlight lens, reflector or headlight control device, together with candle power of the lamp or bulb to be used therewith; whereupon the division shall issue a certificate of approval therefor for use in California under the conditions set forth in the certificate of the bureau of standards.

Upon an application for a test, as first above mentioned, the chief of the division of motor vehicles shall, upon notice to the applicant, submit such device to a testing agency appointed as herein provided with the request that such device be tested as to conformity with the provisions of this act. Each such applicant shall, upon the filing of his application, pay to the division a fee of fifty dollars. All such fees shall be paid by the division into the state treasury and deposited in a fund to be known as the "motor vehicle testing fee fund," and the moneys in such fund, or so much of them as may be necessary, as hereby appropriated to meet the expenses of the test provided for in this section, and the balance thereof, if any, shall be paid into the motor vehicle fund.

Stats 1923,
p. 547,
amended.

Testing of
headlight
devices.

Test.

(d) The testing agency shall adjust each device in accordance with the printed instructions of the manufacturer thereof and conduct an exact scientific and laboratory test of every device submitted to it, as herein provided, to determine whether or not the device submitted will conform with the requirements of this act. Each device submitted shall be tested with twenty-one standard candle-power lamp or bulb, thirty-two standard candle-power lamp or bulb and any standard candle-power lamp or bulb between these two limits. The testing agency shall submit in duplicate a detailed report of each such test to the division of motor vehicles; such report shall give in detail the apparent candle-power of light projected at each point of the said test, the candle-power of the lamp or bulb used to produce the amount of light nearest the maximum requirement of section one hundred one hereof, any particular adjustments required by the testing agency which are not included in the manufacturers' printed instructions, together with the reasons for such additional requirements, and a statement as to whether or not the device is approved and will conform with the requirements of this act when used in accordance with the instructions of the testing agency. Each such report shall be signed by the person who made the test and by an officer of the institution under which said test has been made. Reports of all such tests shall be accessible to the public and a copy thereof shall be furnished by the chief of the division of motor vehicles to the applicant for the test.

Report on test.

Certificate of approval.

(e) Whenever the division shall receive from the testing agency a report that a particular device has been tested and approved, together with instructions as to the candle-power lamp or bulb and any particular adjustments to be used in connection with such device, the division shall issue to the applicant a certificate of approval, together with a copy of the instructions of the testing agency relative to the use of such device.

Filing of certificate and instructions.

(f) The chief of the division of motor vehicles shall transmit a copy of every certificate of approval of a headlight device, together with a copy of the instructions of the testing agency in connection therewith, to the county clerk of every county within the State of California, who shall file the same, and to every city, town or county police department, whose duty it is to enforce the provisions of this act.

Complying with requirements after arrest.

(g) Any person using a headlight device in connection with the headlights upon a motor vehicle, which device has been approved by a testing agency as herein provided and who shall be arrested upon a charge that such headlights are equipped with excessive candle-power lamp or bulb not approved for use in connection with such device by the testing agency or that such headlights are not properly focused or adjusted to conform to the requirements of this act, shall be released from custody or excused from appearing in court and such charge shall be dismissed upon the submission by him to

the appropriate justice of the peace or district attorney or other prosecuting attorney of satisfactory evidence showing that he has within twenty-four hours after such arrest caused such headlights to conform with the requirements of this act.

(h) Whenever the division shall receive one or more complaints in writing that any headlight lens, reflector or headlight control device sold commercially which is hereafter or which has heretofore been approved by the division does not under ordinary conditions of use comply with the requirements of this act, the division in its discretion may upon notice to the manufacturer thereof require that such headlight lens, reflector or headlight control device shall be retested by a testing agency appointed by the division as herein provided and, upon any such retest the testing agency shall determine whether or not such headlight lens, reflector or headlight control device meets the requirements of this act, and, if the same is approved, the division shall issue a certificate of approval to the manufacturer thereof. No fee shall be charged for any such retest.

Retest following complaint.

(i) From and after the date upon which this section becomes effective it shall be unlawful to sell or offer for sale any headlight lamp or headlight equipment unless it is of a type which shall have been approved by the division under the provisions hereof, and unless such device is accompanied by a printed sheet of instructions describing the device in detail, its method of mounting and adjustment, candle-power limits of lamps to be used and any other adjustment that may be necessary to insure its conformity with the requirements of this act, and with the conditions specified in the report of the testing agency appointed by the chief of the division to test such headlight control device, such instructions shall be printed with photographs of the (a) lens or control device, (b) pattern of light from one headlight thrown on regulation testing screen both with and without the device, showing the relation of the patterns of light as projected in each case to a horizontal cross line placed across the face of such screen at a height equal to the height of the center of such headlight, and with the headlight adjusted for tilt and focus exactly as required to conform to the requirements of this act. It shall be unlawful from and after the date upon which this section becomes effective to sell or offer for sale any new motor vehicle equipped with headlights which do not comply with the provisions of this act.

Sale of headlights.

Nothing in this act shall be construed as preventing the use on a motor vehicle of any headlight lamp, device or equipment heretofore approved by the division until December 31, 1924, unless such approval is revoked in accordance with the provisions hereof. After December 31, 1924, it shall be unlawful to use on any highway in this state any headlight lamp, device or equipment which shall not have been approved by the division as in this act provided.

Use of headlights heretofore approved.

Vehicles
manufactured
prior to
1920.

Nothing in this act shall be construed to prohibit the use, on any motor vehicle manufactured prior to the year 1920 and registered at the time this amendment takes effect, of headlights, the current for which is derived from a magneto without the use of a battery, until September 1, 1927, provided such headlights are equipped with lenses, reflectors or headlight control devices otherwise required under this act.

Substantial
compliance.

Nothing in this act shall be construed to prohibit the use on any motor vehicle at any time of any device for furnishing electric current for the headlights thereof which the division shall determine produces a current which is substantially constant and of sufficient voltage and which is substantially equal to that produced by a battery, provided such headlights are otherwise constructed, arranged and adjusted as required in this act.

Stats. 1923,
p. 554,
amended.

SEC. 14. Section one hundred fourteen of said act is hereby amended to read as follows:

Definitions:
"Business
district."

SEC. 114. Business and residence districts defined. (a) A "business district" for the purposes of this act shall mean the territory contiguous to a public highway when fifty per cent or more of the property fronting on such highway for a distance of three hundred feet or more is occupied by buildings in use for wholesale or retail business. All roads and highways within the grounds of a state university or state, county or municipal institution shall be deemed to be within a business district for the purposes of this act.

"Residence
district."

(b) A "residence district" for the purpose of this act shall mean the territory contiguous to a public highway not comprising a business district, as defined herein, when the property fronting on said highway for a distance of not less than one-quarter of a mile is occupied by dwelling houses or business structures which are not more than an average distance of one hundred feet apart.

Presumptior.

(c) Every public highway shall be deemed to be outside of a business or residence district unless signposted, as provided in this act, and in any action at law, either civil or criminal, every public highway shall be conclusively presumed to be outside of a business or residential district unless its existence within a business or residential district shall be established by clear and competent evidence as to the nature of the district and as to the presence of such signs as are required by this act.

Stats. 1923,
p. 560,
amended.

SEC. 15. Section one hundred thirty-one of said act is hereby amended to read as follows:

Right of
way.

SEC. 131. Right of way. (a) When two vehicles approach an intersection of public highways at approximately the same time, the vehicle approaching from the right shall have the right of way, provided such vehicle is traveling at a lawful speed. (b) The driver of a vehicle entering a public highway from a private road or drive shall yield the right of way to all vehicles approaching on said public highway.

Stats. 1923,
p. 558,
amended.

SEC. 15a. Section one hundred thirty of said act is hereby amended to read as follows:

Sec. 130. Signals on turning. (a) The driver of any vehicles upon a public highway before starting, turning or stopping such vehicle shall first see that such movement can be made in safety, and if it can not be made in safety, shall wait until it can be made in safety; then, if the operation of any other vehicle may reasonably be affected by such movement, the driver shall give a signal plainly visible to the driver of such other vehicle of the intention to make such movement. Such signal may be given either by the use of the hand and arm in the manner hereinafter provided, or by means of a mechanical or electric device which meets the requirements hereinafter set forth and which has been approved by the division of motor vehicles as hereinafter provided.

Signals on turning.

Whenever the signal is given by means of the hand and arm, the driver shall indicate his intention to turn to the left by extending his hand and arm horizontally from and beyond the left side of the vehicle, his intention to turn to the right by extending his hand and arm upward and beyond the left side of the vehicle, and his intention to stop or to suddenly decrease speed by extending his hand and arm downward from and beyond the left side of the vehicle.

The signal herein required to be given before turning to the right or left, whether given by means of the hand and arm or by means of an approved mechanical or electric device, shall be given continuously during the last fifty feet traveled by the vehicle before turning.

(b) Any person may submit a mechanical or electrical signal device to the division for its inspection and approval. The division shall charge and collect a fee of fifty dollars for examining any such signal device which is manufactured for sale. All such fees shall be paid by the division into the state treasury and deposited in a fund to be known as the signal device testing fee fund, and the moneys in such fund, or so much of them as may be necessary, are hereby appropriated to meet the expenses of the test provided for in this section, and the balance thereof, if any, shall be paid into the motor vehicle fund. No fee shall be charged for examining a device not manufactured for sale.

Mechanical and electrical devices, examination and approval.

The division shall not approve any stop signal device unless such signal when used upon a vehicle shall give a stop signal plainly visible during the times specified in section ninety-nine of this act, for a distance of at least one hundred feet to the rear of such vehicle for any device intended to give a signal that the vehicle upon which it is used is about to turn, unless such device, when used upon a vehicle, clearly indicates the direction in which such vehicle is to be turned, which signal shall be plainly visible at least one hundred feet to the rear of the vehicle upon which the same is used.

Whenever the division shall approve a signal device as meeting the requirements hereinabove set forth, it shall give to the applicant a certificate of approval.

(c) Any vehicle which is so constructed or carries a load in such manner as to prevent the hand and arm signal speci-

fied in subdivision (a) of this section from being visible both to the front and rear of such vehicle shall be equipped with an approved mechanical or electrical signal device which shall fulfill the requirements of this section with reference thereto.

Stats. 1923,
p. 562,
amended.

Parking
prohibited,
where.

SEC. 16. Section one hundred thirty-eight of said act is hereby amended to read as follows:

SEC. 138. Parking near garage entrance, fire hydrant or fire station. No person shall stop, park or leave standing, whether attended or unattended, a vehicle or an animal upon a public highway in front of the driveway entering or leaving a public or private garage, nor shall any person leave any vehicle within fifteen feet of a fire hydrant or the entrance to a fire station unattended by some licensed operator or chauffeur capable of operating the same.

Stats. 1923,
p. 563,
amended.

Powers of
local boards.

SEC. 17. Section one hundred forty-five of said act is hereby amended to read as follows:

SEC. 145. Powers of boards of supervisors and legislative bodies of cities. Nothing in this act contained shall be so construed as to prevent boards of supervisors in their respective counties and the legislative bodies of incorporated cities from providing by ordinance for the regulation of traffic by means of traffic or crossing officers or semaphores or other signalling devices on any portion of the public highways where the traffic is heavy and continuous, nor from designating certain public highways as boulevards and requiring that all vehicles shall be stopped before entering or crossing such boulevards, provided all such boulevards are clearly marked or signposted to give notice of such fact, nor from licensing and regulating the operation of vehicles offered to the public for hire, nor from regulating the use of the highway for processions or assemblages. Legislative bodies of incorporated cities or of any city and county may also by ordinance prohibit the use of a street or highway to be described in said ordinance by any commercial or other particular class of vehicles or by vehicles exceeding a maximum gross weight limit to be specified in the ordinance and may designate certain highways as one way highways and require by ordinance that all vehicles thereon be moved in one specified direction, provided all such streets and one-way highways are clearly marked or signposted to give notice of such fact.

Stats. 1923,
p. 565,
amended.

Penalties.

SEC. 18. Section one hundred fifty-three of said act is hereby amended to read as follows:

SEC. 153. Penalties. (a) It shall be unlawful and constitute a misdemeanor for any person to violate any of the provisions of this act unless such violation is by this act or other law of this state declared to be a felony. It shall be unlawful for any person to fail to yield a right of way to any person entitled thereto under the provisions of section one hundred thirty-one of the California vehicle act.

(b) Every person convicted of a misdemeanor for a violation of any of the provisions of title nine of this act for which another penalty is not provided shall, for a first conviction

thereof within one year, be punished by a fine of not to exceed fifty dollars or by imprisonment in the county jail for not to exceed five days; for a second such conviction within one year, such person shall be punished by a fine not to exceed one hundred dollars or by imprisonment in the county jail for not to exceed ten days, or by both such fine and imprisonment; upon a third such conviction within one year such person shall be punished by a fine not to exceed five hundred dollars, or by imprisonment in the county jail for not to exceed six months, or by both such fine and imprisonment.

(c) Unless another penalty is in this act or by the laws of this state provided, every person convicted of a misdemeanor for the violation of the provisions of this act shall be punished by a fine not to exceed five hundred dollars or imprisonment in the county jail for not to exceed six months, or by both such fine and imprisonment.

(d) Unless another penalty is in this act or by the laws of this state provided, every person convicted of a felony for a violation of the provisions of this act shall be punished by a fine of not less than one thousand dollars nor more than five thousand dollars or by imprisonment in the state penitentiary for not less than one nor more than five years, or by both such fine and imprisonment.

SEC. 19. Section one hundred fifty-four of said act is hereby amended to read as follows:

Stats. 1923,
p. 568,
amended.

Sec. 154. Appearance upon an arrest for misdemeanor. Whenever any person is arrested for any violation of the provisions of this act, unless such violation is herein declared to be a felony, or unless such person demands the right to an immediate appearance before a magistrate, the arresting officer shall, upon production but without surrender of the operator's or chauffeur's license of the person arrested, or other satisfactory evidence of the latter's identity, take the name and address of such person and the number of his motor vehicle and notify him in writing to appear at a time and place to be specified in such notice, such time to be at least five days after such arrest and such place to be before a magistrate of the township in which the offense with which the arrested person is charged is alleged to have been committed or, upon the demand of the person arrested, before a magistrate of the township in which is located the county seat in which such offense is alleged to have been committed. Such officer shall thereupon, and upon the giving by such person of his written promise to appear at such time and place, forthwith release him from custody.

Appearance
upon an
arrest for
misdemeanor.

Whenever any such person refuses to give his written promise to appear as herein provided for or demands an immediate appearance before a magistrate, he shall be taken forthwith before a magistrate of the township in which the offense with which he is charged is alleged to have been committed. He shall then be entitled to at least five days continuance of his case in which to prepare to plead or to prepare

for trial and he shall not be required to plead or be tried within five days unless he waives such time in writing or in open court; *provided*, that he gives his written promise to appear at such time and place as the court may fix for his further appearance or, upon his refusal to give such promise, upon such bail as the court may fix and he shall thereupon be released from custody.

Any person who wilfully violates his promise given in accordance with this section shall be guilty of a misdemeanor regardless of the disposition of the charge upon which he was originally arrested. A promise to appear may be complied with by an appearance by counsel.

Stats. 1924,
p. 567,
amended.

SEC. 20. Section one hundred fifty-five of said act is hereby amended to read as follows:

Speed trap
evidence
inadmissible.

SEC. 155. Evidence based upon use of speed traps not to be admitted. No police or peace officer or other person shall use a speed trap as defined herein in arresting or participating or assisting in the arrest of any person or in securing evidence as to the speed of a vehicle for the purpose of a prosecution under this act, nor shall any evidence as to the speed of a vehicle operated on a highway by any person arrested for a violation of the provisions of this act be admitted in any court at the consequent trial of such person when such evidence relates to or is based upon the maintenance or use of a speed trap.

A speed trap within the meaning of this section is a particular section of, or distance on, any highway the length of which has been or is measured for distance and marked off or otherwise designated or determined, and the limits of which are within the vision of an officer or officers who calculate the speed of a vehicle passing through such speed trap by using the elapsed time during which such vehicle travels between the entrance and exit of such speed trap.

Every officer when on duty for the purpose of enforcing the provisions of this act shall be dressed in a distinctive uniform and shall spend his hours of duty in patrolling or upon the public highways.

In any prosecution under this act upon a charge involving the speed of a vehicle, any officer or officers arresting or participating or assisting in the arrest of the person so charged shall be incompetent as a witness or witnesses if any speed trap was used in such arrest, and the court shall be without jurisdiction to render a judgment of conviction upon the basis of speed trap testimony.

Stats. 1923,
p. 568,
amended.

SEC. 21. Section one hundred fifty-nine of said act is hereby amended to read as follows:

Motor
vehicle fund
created.

SEC. 159. Motor Vehicle Fund. (a) There is hereby created in the state treasury a fund which shall be known as the "motor vehicle fund." The state treasurer shall deposit all money received by him from the division or otherwise under the provisions of this act into the motor vehicle fund.

(b) There is hereby appropriated out of such fund all moneys received as operators' license fees, and chauffeurs' license fees and duplicate operators' and chauffeurs' license fees and in addition thereto such portion of the remainder of such motor vehicle fund not exceeding in any registration year twenty per cent thereof as may be necessary for the maintenance of the division of motor vehicles to be expended by the division in carrying out the provisions of this act. There shall be deducted from the sums which the division is allowed to expend hereunder such amount as may be allowed to said division in each calendar year under budget appropriation by the state legislature. The division may draw, without at the time furnishing vouchers and itemized statements, sums not to exceed in the aggregate twenty thousand dollars, said sums so drawn to be used as a revolving fund where cash advances are necessary. At the close of each fiscal year the moneys so drawn must be accounted for and substantiated by vouchers and itemized statements submitted to and audited by the board of control and by the controller. The balance of said fund, after the expenditure of so much as may be permitted by this act for the support of the division of motor vehicles, shall be known as the "net receipts" and shall be devoted to the purposes and in the manner herein specified.

Appropriation to division.

Revolving fund.

Net receipts.

(c) One-half of such "net receipts" is hereby appropriated and shall be paid from the motor vehicle fund to the counties of this state in proportion to the number of vehicles registered in such counties as determined by the places of residence of the owners to whom the registration certificates are issued; *provided*, that there shall be deducted from the amount to be paid hereunder to any county all amounts that may have been expended under the provisions of this act during the preceding six months, or that may be reasonably necessary during the succeeding six months, to pay the compensation of state inspectors and traffic officers appointed to serve in such county. All amounts paid under this section to the counties shall be deposited in the road funds of the several counties receiving the same and shall be expended by such counties exclusively in the construction and maintenance of public roads, bridges and culverts in said counties respectively; *provided*, that the board of supervisors of any county may in its discretion expend any portion of such sums so received by such county in the construction, maintenance and repair of streets, bridges and culverts within those incorporated cities therein the legislative bodies of which by ordinance authorize such work of construction, maintenance and repair. The board of supervisors of any county, or city and county, which is empowered by law to expend money for the construction of public highways outside of its corporate limits, may expend any portion of the amounts paid to the said county, or city and county, and deposited in the special road improvement fund or other road fund thereof, as herein in this section directed, in and

Appropriation to counties for road work.

for the construction of public highways outside of its corporate limits; *provided, however*, that the construction thereof is authorized by ordinance of the board of supervisors of the county, or city and county, in which said highway is to be constructed. Where such authorization is given by ordinance, as herein provided, the board of supervisors of the county, or city and county desiring the said construction, may, through its own boards, officers or commissions expend the amounts herein authorized to be expended, or may, by ordinance of its board of supervisors, transfer said amounts to the account of the highway commission of the State of California and may by said ordinance specify and determine the route and type of construction of said highway, and the said amount thus transferred shall, if accepted by the said highway commission, be expended by said commission for the purpose specified and determined in said ordinance, and not otherwise.

County
road fund.

(d) The board of supervisors of each county in the state shall establish a road fund in the county treasury for the receipt of such funds received, as hereinbefore provided and shall also make an annual report to the state department of public works not later than three months after the close of the counties' fiscal year, upon forms to be provided by the state department of public works, showing the amount of moneys received from the motor vehicle fund during the preceding fiscal year and the disposition of said moneys, specifying in such detail as may be required by said department the roads, bridges and culverts constructed or maintained out of said moneys and the sums applied to the several items of such construction or maintenance.

Payment
of money
to counties.

(e) The state controller shall in the months of February and August of each year draw his warrants upon the motor vehicle fund in favor of the county treasurer of each county for the amount to which such county is entitled hereunder, except that the state controller shall not draw his warrant upon the motor vehicle fund in favor of the county treasurer of any county which has not established a road fund, as required hereunder, or which has failed, neglected or refused to file the report showing the amount of money theretofore received by such county from the motor vehicle fund and the disposition thereof, as hereinbefore required, until such county has established a road fund and shall make the reports herein required.

State
highway
maintenance
fund.

(f) All moneys remaining in the motor vehicle fund after the expenditures hereinbefore in this section authorized, together with all sums that have been heretofore or that may be hereafter appropriated by the legislature for the same purpose, shall be paid into the state highway maintenance fund and shall be expended under the direction of the state department of public works for the maintenance, repair, widening, resurfacing and reconstruction of state roads and highways under the jurisdiction of said department and for the maintenance, repair, widening, resurfacing and reconstruction of roads and highways in state parks, subject to the approval

of the official or officials charged by law with the management and control of such parks, such moneys to be so drawn from the motor vehicle fund for the purpose of such maintenance, repair, widening, resurfacing and reconstruction upon warrants executed by the state controller upon demands made by the state department of public works and allowed and audited by the state board of control.

CHAPTER 241.

An act to limit the interest chargeable upon moneys heretofore appropriated for the purpose of carrying out the provisions of an act entitled "An act creating a state land settlement board and defining its powers and duties and making an appropriation in aid of its operations," approved June 1, 1917, and all acts amendatory thereof and supplemental thereto.

[Approved by the Governor May 19, 1925.]

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

SECTION 1. From the first day of July, 1925, or from the date this act takes effect in case the latter date is subsequent to July 1, 1925, up to and including June 30, 1930, no interest shall be charged to nor collected from the state land settlement board on those certain appropriations heretofore made under an act entitled "An act to amend an act entitled 'An act creating a state land settlement board and defining its powers and duties and making an appropriation in aid of its operations,' approved June 1, 1917, by amending sections two, four, five, nine, ten, eleven, fourteen, fifteen, eighteen, twenty, twenty-one, twenty-five, twenty-seven, twenty-eight and twenty-nine thereof, and by adding a new section thereto to be numbered section twenty-two, and making an appropriation for the purpose of carrying out the provisions of said act," approved May 23, 1919; also under an act entitled "An act appropriating money to supplement the appropriation made by an act entitled 'An act to amend an act entitled "An act creating a state land settlement board and defining its powers and duties and making an appropriation in aid of its operations," approved June 1, 1917, by amending sections two, four, five, nine, ten, eleven, fourteen, fifteen, eighteen, twenty, twenty-one, twenty-five, twenty-seven, twenty-eight and twenty-nine thereof, and by adding a new section thereto to be numbered section twenty-two, and making an appropriation for the purpose of carrying out the provisions of said act," approved May 23, 1919," approved January 24, 1921; also under an act entitled "An act making an appropriation for the purpose of carrying out the provisions of 'An act creating a state land settlement board and defining its powers and duties and making an appropriation in aid of its operations,' approved June 1, 1917, and any and all acts amendatory thereof and supplemental thereto," approved June 3, 1921.

Interest chargeable on state land settlement appropriations.

CHAPTER 242.

An act to add a new section to the Civil Code, to be numbered four hundred twenty-one a, providing that officers, directors, trustees, agents or attorneys for insurance companies shall not receive benefits from loans or investments made by such companies.

[Approved by the Governor May 20, 1925.]

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 four hundred twenty-one a and to read as follows:

Officers,
etc., not
to receive
benefits from
loans or
investments.

421a. All investments, loans and deposits of the funds and securities of every insurance company in this state, and all purchases on behalf of every insurance company in this state, and all sales made of the property and effects of such company, shall be made in its corporate name, or in that of a corporation authorized to act as a trustee under the laws of this state and no officer, director, or trustee thereof, and no agent, attorney, or member of a committee having any authority in the investment or disposition of its funds, shall accept, except for the company, or be the beneficiary of, either directly or indirectly any fee, brokerage, commission, gift, or other consideration for or on account of any loan, deposit, purchase, sale, payment, or exchange made by or on behalf of such company, or be pecuniarily interested in any such purchase, sale, loan, or investment, either as borrower, principal, co-principal, agent, attorney or beneficiary. No officer, director, agent or other employee of any insurance company shall, directly or indirectly, for his own personal benefit, purchase, or be interested in the purchase of any of the assets of said insurance company 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. Nothing contained herein, however, shall prevent the purchase by any such person of any asset which the insurance commissioner may require to be sold, at a price approved by him or the borrowing by any such person upon any policy of life insurance upon his own life, nor the payment of a fee to any attorney for legal services rendered to any such company.

CHAPTER 243.

An act to amend section four hundred fifty-three j of the Civil Code, relating to the issuance of contracts of insurance by assessment associations.

[Approved by the Governor May 20, 1925.]

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

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

453j. No corporation doing business under this chapter, except accident or casualty corporations, must issue a contract of insurance upon the life of any person under fifteen nor over sixty-one years of age. Every such contract of insurance must be founded upon written application therefor, and, except where the application is for health, accident or casualty insurance only, or for less than one thousand dollars life insurance, such application must be accompanied by the report of a reputable physician, containing a detailed statement of his examination of the applicant, showing the applicant to be in good health, and recommending the issuance of a contract of insurance; *provided, however*, that in the cases of policies issued upon the group plan, medical examination shall be discretionary with the board of directors of the association. Any solicitor, agent, employee, examining physician, or other person, making a false or fraudulent statement to any corporation doing business under this chapter, with reference to any application for insurance, or for the purpose of obtaining any money or benefit from such corporation, is guilty of a misdemeanor; and any person who makes a false statement of any material fact or thing in a sworn statement as to the death or disability of a contract-holder, in any such corporation for the purpose of procuring or aiding the beneficiary or beneficiaries or contract-holder in procuring the payment of a benefit named in the contract, is guilty of a misdemeanor.

Limitations upon issuance of contracts of insurance.

CHAPTER 244.

An act to add a new section to the Political Code, to be numbered six hundred thirty-three e, defining insurance adjusters and providing for licensing, supervising and regulating them and for the suspension and revocation of their licenses by the insurance commissioner.

[Approved by the Governor May 20, 1925.]

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

SECTION 1. A new section is hereby added to the Political Code to be numbered six hundred thirty-three e, and to read as follows:

633e. The term "adjuster" as used in this section shall include every person, partnership, association or corporation

Insurance adjusters.

advertising, soliciting business or holding himself or itself out to the public as an adjuster of loss or damage by fire, marine, accident, liability or other loss or damage covered by any policy of insurance issued in this state, and receiving compensation or reward for adjusting such loss or damage or for the giving of advice or assistance to the insurer or the assured in the adjustment of claims for loss or damage as aforesaid.

Certificates
of authority.

No person, partnership, association or corporation shall act as an adjuster, or receive for or because of services rendered in the adjustment of any claim or claims for loss or damage under a policy or policies of insurance, any money or commission or other thing of value, without first procuring a certificate of authority to act as an adjuster from the insurance commissioner.

The insurance commissioner shall issue certificates of authority to persons, partnerships, associations or corporations, applying therefor, whom he deems to be trustworthy and competent to transact business as adjusters in such manner as to safeguard the interests of the public.

Fees.

A certificate of authority issued to a corporation, partnership or association shall authorize only the officers and directors of the corporation, or the members of the partnership or association, specified in the certificate. The fee to be paid to the insurance commissioner by the applicant for such a certificate at the time the application is made, and annually for the renewal thereof, shall be five dollars. If the applicant be a corporation, partnership or association such fee shall be paid for each person specified in the certificate to act as an adjuster. Every adjuster's certificate of authority shall expire on the thirtieth day of June of the calendar year in which the same shall have been issued.

Applications.

Before any certificate of authority shall be issued by the insurance commissioner as herein provided there must be filed in his office a written application therefor. Such application shall be in the form or forms and supplements thereof prescribed by the insurance commissioner and must set forth (1) the name and address of the applicant, and if the applicant be a partnership or association, the name and address of each member thereof, and if the applicant be a corporation, the name and address of each of its officers and directors; (2) whether any certificate of authority as agent, broker or adjuster has been issued theretofore by the insurance commissioner to the applicant, and, if the applicant be an individual, whether any such certificate has been issued theretofore to any partnership or association of which he was or is a member or of any corporation of which he was or is an officer or director, and, if the applicant be a partnership or association, whether any such certificate has been issued theretofore to any member thereof, and, if the applicant be a corporation, whether any such certificate has been issued theretofore to any officer or director of such corporation; (3) the business in which the applicant has been engaged for the year next preceding the

date of the application and, if employed by another, the name or names and address or addresses of such employer or employers; (4) such information as the insurance commissioner may require of applicants to enable him to determine their trustworthiness and competency to transact the business of adjuster in such manner as to safeguard the interests of the public.

An application for a certificate of authority, as herein provided must be signed and verified by the applicant or, if made by a partnership or association, by at least one member thereof, or if made by a corporation by the president or managing director thereof and the person or persons authorized thereby to act as an adjuster or as adjusters.

A certificate under this section may be refused, revoked or suspended by the commissioner, if, after due investigation, he determines that the applicant for or the holder of such certificate (1) has violated any provision of the laws of this state; or (2) has made a material misstatement in the application for such certificate; or (3) has been guilty of fraudulent practices; or (4) has demonstrated his dishonesty, incompetency or untrustworthiness to transact the business of an adjuster. Notice that he intends to revoke or suspend a license shall be given and hearing thereon had in accordance with the provisions of section six hundred thirty-three *a* of the Political Code, and from the decision of the commissioner refusing, revoking or suspending such certificate the holder or applicant may appeal to the courts as therein provided.

This section shall not apply to a broker acting as adjuster without compensation for a client for whom he is acting as a broker, or to any officer, employee or attorney of an insurance company who acts for his company without additional compensation for services in making an adjustment, nor shall it apply to any agent of an insurance company licensed by the insurance commissioner of the State of California to solicit business for such company.

Any person, partnership, association or corporation violating any of the provisions of this section, shall be guilty of a misdemeanor.

CHAPTER 245.

An act to amend section four hundred twenty-one of the Civil Code, relating to investments of insurance companies.

[Approved by the Governor May 20, 1925.]

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

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

421. I. Corporations organized under the laws of this state for the transaction of any kind of insurance business authorized by such laws may invest their capital, surplus and accumu-

Refusals,
revocations
and
suspensions.

Brokers and
agents as
adjusters.

Investments
of insurance
companies.

lations in the purchase of, or loans upon, any of the securities specified in the following subdivisions, to wit:

U. S. bonds.

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

Canadian bonds.

(b) Bonds or interest-bearing notes or obligations of the Dominion of Canada or any province of the Dominion of Canada, or those for which the faith and credit of the Dominion of Canada or any province of the Dominion of Canada are pledged for the payment of principal and interest.

State bonds.

(c) 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, and bonds of any other state or territory in the United States that has not, within five years next preceding such investment by such insurance company, defaulted in payment of any part of either principal or interest due upon any legally authorized bond issue.

Local government bonds.

(d) Bonds or interest-bearing notes or obligations issued under authority of law by any city, city and county, county, municipality, or school district in this state or in any other state or territory of the United States or in any province of the Dominion of Canada; *provided*, that said city, city and county, county, municipality, or school district, or the state, territory or province in which it is located has not within two years next preceding such investment by such insurance company, defaulted in the payment of any part of either principal or interest due upon any legally authorized bond issue.

District bonds.

(e) Bonds of any permanent road division in this state, and bonds of any reclamation district, irrigation district, municipal water district, county water works district, or of any other district, which are, by the express terms of the law of this state, made legal investments for the savings banks or insurance companies.

First mortgage bonds.

(f) Notes or bonds secured by mortgage or deed of trust or other lien upon improved or unimproved unincumbered real property; *provided*, that the principal so loaned or the entire note or bond issue so secured shall not exceed sixty per centum of the market value of such real estate, or of such real estate with improvements taken as security at the date of investment; *provided, also*, 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 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; *provided, also*, that real property shall not be deemed to be incumbered or subject to lien within the meaning of this section by reason of the existence of tax liens or outstanding mineral, oil or timber rights, rights of way, sewer rights, rights in walls, nor by reason of building restrictions or other restrictive covenants, nor when such real property is

subject to lease under which rents or profits are reserved to the owner; *provided*, that security for such loan is a first lien upon such real property and that there is no condition or right of reentry or forfeiture under which such lien can be cut off, subordinated or otherwise disturbed.

(g) Notes or bonds secured by mortgage or deed of trust, payment of which is guaranteed by a policy of mortgage insurance, and mortgage participation certificates, issued by a mortgage insurance company in accordance with the provisions of chapter eight of title two of part four of division first of the Civil Code; *provided*, that no insurance corporation shall make any investment in any of the securities hereinbefore in this section specified at a cost exceeding the market value of such security, at the date of such investment.

Notes
guaranteed
by mortgage
insurance
policy.

(h) Collateral trust bonds or notes when secured by either

Collateral
trust bonds
or notes.

(1) Deposit of bonds or notes 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 collateral trust bonds or notes issued; *provided*, that the par value of said collateral trust bonds or notes shall in no case exceed the market value of that portion of the security represented by bonds authorized for investment by this section.

(3) Deposit of any notes or bonds authorized for investment by this section and other securities of a combined market value of at least thirty per centum in excess of the par value of the collateral trust bonds or notes issued; *provided*, that the par value of such collateral trust bonds or notes issued shall in no case exceed the market value of that portion of the security represented by notes or bonds hereinbefore in this section authorized for investment; *provided, further*, that the collateral pledged consist of bonds authorized for investment by this section of the market value of at least seventy-five per centum of the par value of such collateral trust bonds or notes issued.

II. Corporations organized for and engaged in the business of fire, life or marine insurance may, after the investment of two hundred thousand dollars for each of such kinds of insurance transacted, and corporations organized for and engaged in the business of transacting any other kind or kinds of insurance authorized by law, except mortgage insurance, may also, after the investment of an amount equal to the minimum amount of capital stock required to do such kind or kinds of insurance, in any of the securities specified in subdivision 1 of this section, invest the balance of their capital, surplus and any accumulations in the purchase of, or loans upon the stock of any corporation (except a mining corporation), organized and carrying on business under the laws of this state, or the laws of any other state or territory in the

Investment
of balance
of capital.

United States, which stocks have at the date of such investment a market value not less than the purchase price thereof, or the amount loaned on the security thereof; or in the purchase of, or loans upon, interest bearing bonds, notes or other obligations issued by a corporation organized under the laws of any state or territory in the United States, or bonds of any permanent road division, reclamation district, irrigation district, or any other district of any state which are legal investments for savings banks of this state; or bonds issued by any city, city and county, county, municipality, or school district in this state to represent assessments for local improvements authorized by the laws of this state, provided, the purchase price thereof or principal loaned thereon shall not exceed, at the date of such purchase or loan, fifty per centum of the market value of the real estate, or of such real estate with the improvements thereon, upon which such bond is made a first lien by law. Nothing herein shall authorize the purchase of or loans upon such obligations of any corporation or district which, within five years next preceding, shall have defaulted in payment of any part of either principal or interest of any bond, note or obligation offered. Stocks, bonds, notes or obligations must, in each case, be rated as first-class securities, and in case of a purchase, the price paid for the securities must not be in excess of the current market value thereof at the date of purchase or, in case of a loan, the amount loaned must not exceed eighty-five per centum of the market value, at the date of the loan, of the collateral taken as security thereon. No loan shall be made to any one borrower on the security of the capital stock of any corporation in an amount exceeding ten per centum of the capital stock and surplus of such insurance company, and all purchases of or loans upon the capital stock in any one corporation shall not exceed in the aggregate twenty-five per centum of the capital stock and surplus of such insurance company; and no fire, life or marine insurance company shall purchase or loan upon the stock of any one corporation in an amount exceeding thirty per centum of the capital stock of such last named corporation, provided that nothing in this clause shall be construed to limit the purchase by an insurance company of the stock of another insurance company organized under the laws of this state and authorized to do business therein; *provided*, that any investment made under the provisions of this subdivision of this section shall be approved by a vote of two-thirds of all the directors of the investing corporation. Such approval shall be entered upon the records or minutes of such corporation. Such entry must show the fact of making such investment, the amount thereof, the name of each director voting to approve the same, the amount, character and value of the security purchased or taken as collateral, and if the investment be a loan, the name of the borrower, the rate of interest thereon and the date when the loan will become due or payable. It shall be the duty of the secretary of any such investing corporation to report in writing during the months of January and July of each year to

the insurance commissioner the data above set forth respecting each such investment, and the insurance commissioner may, if any such investment is not approved by him, require the corporation to sell or dispose of the same.

III. Life insurance companies may also loan upon their own policies; *provided*, that the amount so loaned upon each policy shall not exceed the reserve against such policy at the time said loan was made; *provided, further*, that no policy loans whatever shall ever be used as security which may be deposited with the insurance commissioner under section six hundred thirty-four of the Political Code. The amount loaned by a company upon its own policies shall be credited to said company in determining the amount of deposit required to comply with the provisions of section six hundred thirty-four of the Political Code, and such loans shall be deducted from the net value of the registered policies.

Policy loans
of life
insurance
companies

IV. Any insurance company of this state doing business in any foreign country may invest so much of its funds as are required to meet its obligation incurred in such foreign country and in conformity to the laws thereof, in the same kind of securities issued in such foreign country that such company is by law allowed to invest in this state, and subject to the limitations imposed by law in this state.

Company
doing
business
in foreign
country.

CHAPTER 246.

An act appropriating money for the installation of a water system at Marshall's monument grounds.

[Approved by the Governor May 20, 1925.]

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 be expended in accordance with law, for the purpose of installing a water system, and making such improvements and repairs as are necessary, at Marshall's monument grounds.

Appropriation: work
at Marshall's
monument.

CHAPTER 247.

An act appropriating money to pay the claim of E. E. Purrington against the State of California.

[Approved by the Governor May 20, 1925.]

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

SECTION 1. The sum of forty-eight thousand six hundred sixty-three dollars and ninety cents is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of E. E. Purrington against the State of California.

Appropriation: claim
of E. E.
Purrington.

CHAPTER 248.

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

[Approved by the Governor May 20, 1925.]

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

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

Title one to apply to all corporations, with certain exceptions.

403. The provisions of this title are applicable to every corporation, unless such corporation is excepted from its operation, or unless a special provision is made in relation thereto inconsistent with some provision in this title, in which case the special provision prevails. All requirements of law relating to or based upon the capital stock of corporations or the amount thereof or the shares into which such capital stock is or may be divided that are or may be applicable to corporations which have availed or may avail themselves of and are or may be governed by the provisions of sections two hundred ninety *b*, two hundred ninety *c*, two hundred ninety *d*, two hundred ninety *e*, and two hundred ninety *f* of the Civil Code shall be construed to apply to the stated capital of such corporations, the amount of such stated capital, or the shares of such corporations, respectively. No provisions of law, special or otherwise, relating to or based upon the capital stock of corporations or the amount of such capital stock or the shares into which such capital stock is, or may be, divided, or requiring that all shares of such capital stock shall have the same par value, shall be construed to prevail over sections two hundred ninety *b*, two hundred ninety *c*, two hundred ninety *d*, two hundred ninety *e* and two hundred ninety *f* of this code, but the aforesaid provisions shall be construed so as to give full effect to the above sections of this code, and so as not to limit or abridge the powers, authorities or privileges conferred or granted in and by said sections.

CHAPTER 249.

An act to appropriate the sum of thirty thousand dollars to be used in the construction, renewal and repair of works for restraining, impounding and controlling debris resulting from mining operations, natural erosions and other causes, and to provide for the manner of expending such appropriation.

[Approved by the Governor May 20, 1925.]

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

Appropriation: debris control.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of thirty thousand dollars to be used in the construction, renewal and repair of works for the restraining, impounding and con-

trolling of debris resulting from mining operations, natural erosions and other causes.

SEC. 2. All work to be paid for from this appropriation shall be executed by or under the direction of the California debris commission according to plans approved by the state department of engineering. Direction of work.

SEC. 3. This act shall become operative only upon condition that the government of the United States shall appropriate or allot a like sum, to wit, thirty thousand dollars for the same work. U. S. contribution.

SEC. 4. The controller of the State of California is hereby authorized and directed, upon requests of the California debris commission, approved by the state engineer and the state board of control, to draw his warrant on the state treasurer from time to time in such amounts as the said California debris commission may require, and the state treasurer is authorized and directed to pay such warrants. Disbursement of funds.

CHAPTER 250.

An act to amend "The California irrigation district act," approved March 31, 1897, as amended, by amending sections forty-four and forty-seven thereof, relating to the rights of the owner of real property upon assessment sale and the sale of such real property and the rights of the purchaser thereof and the redemption of property sold at delinquent assessment sale.

[Approved by the Governor May 20, 1925.]

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

SECTION 1. Section forty-four of "The California irrigation district act," approved March 31, 1897, as amended, is hereby amended to read as follows: Stats. 1923, p. 681, amended.

Sec. 44. The owner or person in possession of any real estate offered for sale for assessments due thereon may designate, in writing, to the collector, prior to the sale, what portion of the property he wishes sold, if less than the whole; but if the owner or possessor does not, then the collector may designate it and the person who will take the least quantity of the land, or in case an undivided interest is assessed, then the smallest portion of the interest, and pay the assessments and costs due, including two dollars for the duplicate certificate of sale, is the purchaser. If the purchaser does not pay the assessments and costs before ten o'clock a.m. the following day, the property on the next sale day must be resold for the assessments and costs. But in case there is no purchaser in good faith for the same on the first day that the property is offered for sale, then, when the property is offered thereafter for sale, and there is no purchaser in good faith for the same, the whole amount of the property assessed shall be struck off to the irrigation district within which such lands are situated, Rights of owner of realty.

Resale on default of payment.

Purchase by district.

as the purchaser, and the duplicate certificate delivered to the treasurer of the district, and filed by him in his office. No charge shall be made for the duplicate certificate where the district is the purchaser, and, in such case, the collector shall make an entry, "sold to the district" and he shall be credited with the amount thereof in his settlement. An irrigation district as a purchaser at such sale, shall be entitled to the same rights as a private purchaser, subject to the right of redemption hereinafter provided, and the district as such purchaser may sell, assign and transfer such certificate of sale for a consideration of not less than the amount of the assessment, penalties and costs.

Stats. 1921,
p. 1109,
amended.
Redemption
of property.

SEC. 2. Section forty-seven of said act is hereby amended to read as follows:

SEC. 47. A redemption of the property sold may be made by the owner or any party in interest, within three years from the date of purchase, or at any time thereafter before a deed has been made and delivered. Redemption must be made in gold or silver coin, as provided for the collection of state and county taxes, and when made to the collector he must credit the amount paid to the purchaser or his assignees. In each report the collector makes to the board of directors, he must name the person entitled to redemption money, and the amount due each. On receiving the certificate of sale, the county recorder must file it and make an entry in a book similar to that required of the collector. On the presentation of the receipt of the person named in the certificate, or of the collector for his use, of the total amount of the redemption money, the recorder must mark the word "redeemed," the date, and by whom redeemed, on the certificate and on the margin of the book where the entry of the certificate is made. If the property is not redeemed within the time herein provided, the collector or his successor in office, upon demand, must make to the purchaser, or his assignee, a deed of the property, reciting in the deed substantially the matters contained in the certificate, and that no person redeemed the property during the time allowed by law for its redemption. The collector shall receive from the purchaser for the use of the district, two dollars for making such deed. Where property has been sold to the district and a deed for it has been given to the district as the purchaser, the title so acquired by the district may be conveyed by deed executed and acknowledged by the president and secretary of the board of directors; *provided*, that authority to so convey must be conferred by resolution of the board entered on its minutes fixing the price at which such sale may be made; *and provided, further*, that where property has been sold to the district it may be redeemed as herein provided at any time before the district has disposed of the same.

Deed to
purchaser.

CHAPTER 251.

An act to validate bonds of school districts, high school districts, and junior college districts.

[Approved by the Governor May 20, 1925.]

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

SECTION 1. Where in any school district, high school district, or junior college district, of any kind or class, proceedings have been taken for the purpose of voting, issuing and selling bonds of such district for any purpose or purposes all acts and proceedings of the officers of election and of the board of trustees, board of education, or other governing body of such district, and all acts and proceedings of the board of supervisors of the county within which such district is situated, leading up to and including the issuance of such bonds if they have heretofore been sold, and all such acts and proceedings heretofore had, although the bonds are not 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 bonds heretofore sold are declared to be, and bonds hereafter sold shall be, 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 declared to be pledged for the prompt payment and redemption of the principal and interest of said bonds.

School and college district bonds validated.

SEC. 2. This act shall not operate to legalize any bonds which have been sold for less than par, nor 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 more than forty years from the time of their issuance.

Bonds not validated.

CHAPTER 252.

An act to amend section three thousand eight hundred four a of the Political Code, relating to cancellation of taxes.

[Approved by the Governor May 20, 1925.]

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

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

3804a. Any uncollected tax, or assessment, or portion thereof, or penalty or costs thereon, heretofore or hereafter assessed, charged or levied more than once, or erroneously or illegally, or upon that portion of an assessment found to be in excess of the actual cash value of the property assessed, by reason of a clerical error of the assessor, or upon an assess-

Cancellation of erroneous tax assessment.

ment for improvements on land when such improvements did not in fact exist at the time said tax or assessment became a lien, or upon an assessment of property which after the time said tax or assessment became a lien was acquired and owned by the state, or by any county, city and county, municipal corporation, school district or other political subdivision and which, because of such public ownership, is not subject to sale for delinquent taxes, may, upon satisfactory proof thereof, be canceled by the officer having custody of the record thereof upon the order of the board of supervisors, or other governing board with the written consent of the district attorney, city attorney or legal advisor of said board; *provided*, that no cancellation shall be made of such charges on property exempt from taxation in event of failure to comply with the provisions of law, if any, relative to the manner of claiming such exemptions.

Cancellation
of certificate
of sale or
tax deed.

If real property has been sold to the state or other subdivision for nonpayment of any tax levied as described in this section, and a certificate of sale or deed therefor has been issued to the state, or other subdivision and the state or other subdivision has not disposed of the property so sold, the order of the board shall also direct the officer having custody of the record thereof to cancel the certificate of sale or deed so issued.

In the city and county of San Francisco, the written consent of the city attorney shall have the same effect as the written consent of the district attorney.

CHAPTER 253.

An act to amend section six hundred eighty-one of the Political Code, relating to the powers of the board of control.

[Approved by the Governor May 20, 1925.]

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

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

Lease, sale
or exchange
of state
property.

681. Except as otherwise provided by law, the board with the consent of the head of the department concerned shall have the power to lease for a period of not to exceed five years any property, real or personal, of the state, which in their judgment shall be for the best interests of the state, and shall have power to authorize the sale or exchange of any property, except real estate, which belongs to the state and which, in their judgment, it shall be for the best interests of the state to sell or exchange.

CHAPTER 254.

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

[Approved by the Governor May 20, 1925.]

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

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

Stats. 1917,
p. 335,
amended.

Sec. 9. Neither this act nor any provision thereof shall apply or be construed to apply to commerce with foreign nations or commerce among the several states of this union, except in so far as the same may be permitted under the provisions of the constitution of the United States and the acts of congress; *provided, however*, that with reference to transportation companies operating solely in interstate commerce between any point or points within this state and any point or points in any other state or in any foreign nation, the railroad commission shall have the power to prescribe such reasonable, uniform and non-discriminatory rules and regulations in the interest and aid of public health, security, safety, convenience and general welfare as shall in its opinion be required by public convenience and necessity.

Foreign or
interstate
commerce.

CHAPTER 255.

An act to amend sections twelve, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two and thirty-three of an act entitled "An act providing for the creation, organization and government of joint highway districts composed of two or more

counties of the State of California," approved April 5, 1917, relating to the creation, organization and government of joint highway districts.

[Approved by the Governor May 20, 1925.]

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

Stats. 1917,
p. 49,
amended.

SECTION 1. Section twelve of an act entitled "An act providing for the creation, organization and government of joint highway districts composed of two or more counties of the State of California," approved April 5, 1917, is hereby amended to read as follows:

Contingent
fund.

Sec. 12. For the purpose of providing a contingent fund for the district and to meet the incidental expenses thereof, the board of supervisors of the several counties comprising the district are hereby authorized and directed to appropriate from any money received by such counties under the provisions of the "California vehicle act," approved May 30, 1923, or an act entitled "An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and disposition of license taxes, prescribing penalties for violation of the provisions of said act, and repealing all acts and parts of acts inconsistent herewith," approved May 30, 1923, or any act in continuance thereof, or supplementary or amendatory thereto, such percentages thereof as may be determined by the board of directors of the joint district by a resolution adopted by a vote of all of its members. Such sums so appropriated shall be paid by a warrant drawn in the name of the joint highway district, and shall be deposited with the treasurer or depository of the district.

Stats. 1917,
p. 49,
amended.
Hearing
on report

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

Sec. 14. Upon the filing said report the board of directors shall fix a time and place for considering the same and for the purpose of making an assessment to cover the estimated cost upon the State of California, the several counties composing the district, and upon lands in private ownership as may be benefited by said highway. Notice thereof shall be given in each of the counties composing said district by publication in a newspaper, published at least once a week for two successive weeks prior to the date of said hearing, and a copy thereof shall be served upon the board of control of the State of California.

The hearing thereon may be continued from time to time or place to place in the different counties if so desired.

Upon said hearing the board of directors shall have the power to reduce the estimated cost of said road if they find it excessive, and shall fix and determine the amount of said estimated cost, which shall be the amount of the assessment to be imposed.

Creation of
assessment
district.

If at said hearing it shall appear to the satisfaction of the board of directors that any land under private ownership will

be benefited by the construction of the highway herein provided for, said board of directors shall adopt a resolution of intention to create a highway assessment district for the purpose of assessing not to exceed one-fourth of the estimated cost of said highway upon lands in private ownership; which resolution of intention shall be substantially in the following form:

RESOLUTION OF INTENTION.

WHEREAS, It appears to the satisfaction of the board of directors of joint highway district number ____ of the State of California, that land under private ownership will be benefited by the construction of a highway provided for in an act entitled "An act providing for the creation, organization and government of joint highway districts composed of two or more counties of the State of California," therefore be it Resolution of Intention.

Resolved, That it is the intention of the board of directors of said joint highway district to create a highway assessment district to comprise all the land under private ownership within the following boundaries to wit: (here set forth the boundaries of the proposed district).

Further resolved, That it is the intention to assess the sum of \$----- being a ----- part of the estimated cost of said highway construction as appears upon the report of the district engineer filed in the office of the board of directors of said district, upon the land within the boundaries of said proposed district as herein described in the manner provided in said act.

Further resolved, That ----- the ----- day of ----- 19----, at the hour of ----- at (meeting place of the board of directors) is hereby fixed as the time and place for hearing all objections that may be made to the creation of said district or the amount of benefits to be assessed as aforesaid; also to hear and determine all claims for damages that may result from the construction of the highway aforesaid.

Reference to the aforesaid report of the district engineer for further particulars is here made.

Adopted by the board of directors of joint highway district number ----- of the State of California, this ----- day of ----- 19-----.

Directors.

Attest:

Secretary.

The time of hearing shall be not less than thirty nor more than forty days from the date of the adoption of the above resolution; and the hearing of said report and the making of said assessment shall be by operation of law, continued to the time and place for the hearing fixed in said resolution of intention, and if said hearing is continued, then to the time and place to which it is so continued. Time for hearing.

Stats. 1921,
p. 1113,
amended.

Notice of
intention
to create
highway
assessment
district.

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

Sec. 15. The board of directors shall cause a notice of the passage of such resolution including a copy of the same to be published five times in a daily newspaper of general circulation published in each of the counties composing a district or two times in a newspaper published less than six days a week, or if no newspaper be published in any county then such notice shall be posted in three public places in such county for a period of ten days. The first publication in each of said counties shall be within five days after the adoption of said resolution of intention. Such notice shall be headed by the words "Notice of intention to create highway assessment district." Proof of the publication of such notice shall be made by affidavit filed in the office of the secretary of the board of directors and such publication and proof shall be held sufficient to vest jurisdiction in the board of directors to hear and determine all matters authorized by this act to be so heard at the time and place of hearing fixed by the said resolution of intention.

The board of directors shall also cause to be conspicuously posted within fifty feet of all points where the highway proposed to be constructed shall intersect existing public highways two copies of the notice herein required to be published. Said notice shall be headed as herein specified and the words of said heading shall be in type at least two inches in height and the body of said notice shall be set in what is known as twelve-point or pica type. Said notices shall be posted within ten days from the date of the adoption of the resolution of intention.

Stats. 1917,
p. 49,
amended.

Map of
proposed
district.

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

Sec. 16. The district engineer shall be directed to prepare a map showing the exterior boundaries of the proposed district, the line of the proposed highway, intersecting highways, boundary lines of the counties, the separate parcels of land within the district and names of the owners thereof as nearly as the same may be ascertained from the records of the assessor's office in the several counties. Said map shall be completed before the date set for the hearing.

Stats. 1917,
p. 50,
amended.

Objections.

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

Sec. 17. Any person who may be affected by the creation of the proposed assessment district may make objection thereto. Objections shall be in writing signed by the objector or his agent and filed prior to the day fixed for the hearing. Objections may be made to the boundaries of the district or to the amount of the assessment proposed to be imposed. Claims for damages to result from the construction of the highway or the grade thereof as delineated upon the map or profile drawings of the district made by district engineer shall also be presented

Claims for
damages.

prior to the day of hearing and a failure to present such claims shall be deemed to be an express waiver thereof.

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

Stats. 1917, p. 50, amended.

Sec. 18. At the time fixed in the resolution of intention for hearing objections, or at such time as such hearing may be continued, and all parties shall be deemed to have notice of such continuance, the board of directors shall hear and determine all objections that may be made and it shall be competent for said board to hear and determine any or all objections of every kind or nature even though such objections shall not be expressly authorized by this act, and also said board may pass upon, compromise or determine any claim for damages presented as herein provided.

Hearing of objections and claims.

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

Stats. 1917, p. 50, amended.

Sec. 19. At the conclusion of the hearing of the board of directors may change the boundaries of the proposed district, but may not include any territory outside thereof, may reduce the total amount of the assessment proposed to be imposed, change or modify any grades of a proposed highway and may sustain or overrule any other objections or generally overrule all objections that may have been made. It may also reject or approve in whole or in part any claim for damages. The total amount of all claims for damages that may be allowed shall be added to the estimate of the cost of the proposed highway and one-fourth of such amount of claims may be added to the amount of assessment proposed to be imposed unless such estimate shall already have provided for such damages.

Action of board.

All matters pertaining to the hearing having been heard and determined, the board of directors shall cause an order to be entered in its minutes ordering the construction of the proposed highway, creating a highway assessment district for the purposes of this act and describing the boundaries of the highway assessment district in accordance with this determination, declaring the amount of the assessment to be imposed and assessing the same upon the land within the district, which shall be deemed to be the benefits thereto accruing from such proposed highway construction, the same to be distributed to and imposed upon the several parcels of land within the district and to be paid as in this act provided, and fixing the number of annual installments in which such assessment may be paid. All objections not specifically set forth in said order shall be deemed to have been disallowed and overruled. The order shall also approve the map of the district made as herein provided.

Order of board.

SEC. 8. Section twenty of said act is hereby amended to read as follows:

Stats. 1917, p. 51, amended.

Sec. 20. When such highway assessment district has been created and the amount of the assessment thereon finally determined, or if said board of directors determines not to create any highway assessment district, said board of directors

Assessment upon counties and state.

shall immediately, upon the happening of either event, proceed to make an assessment covering said estimated cost, less the amount of the assessment, if any, which has been imposed upon said highway assessment district, upon the several counties composing said district, and, if said board of directors shall so determine, then, also, upon the State of California, according to the benefits that will accrue to said counties and state by the construction of said highway.

Stats. 1917,
p. 51,
amended.

SEC. 9. Section twenty-one of said act is hereby amended to read as follows:

Order
determining
benefits.

Sec. 21. Upon the conclusion of such hearing such board of directors shall make an order determining the amount of the benefits, if any, to accrue to each county comprising the district, and to the people residing therein, and to the State of California, and shall make an assessment against said counties and state in proportion to the benefits so to accrue; *provided*, that said board of directors shall not assess against any county, an amount, which in relation to the amount of the entire estimated cost, is greater than the fractional or proportionate amount thereof to be borne by such county, as fixed and determined at the formation of the district as in section seven of this act provided.

Assessment.

The amount of such assessment shall be certified to and transmitted to the state board of control, and to the boards of supervisors of the counties constituting the district.

Additional
assessments.

The provisions of this section shall not be construed to require that the assessment imposed shall be sufficient to meet the entire estimated cost of the proposed highway, but may provide for the construction of only such portions thereof as may be deemed expedient. From time to time additional assessments may be imposed for any remaining portion of such highway, or to provide for its completion in the event of the cost exceeding the estimate made by the engineer.

Stats. 1917,
p. 51,
amended.

SEC. 10. Section twenty-two of said act is hereby amended to read as follows:

Appeal to
advisory
board.

Sec. 22. In case the state board of control or the board of supervisors deem that the assessment imposed upon the state or such county be excessive or that it had been inequitably treated, the state board of control or such board of supervisors, within forty days from the receipt of the certificate referred to in the preceding section, may appeal from the order of the board of directors of the district to the advisory board of the state engineering department. Such appeal shall be in writing and set forth the nature of the objection and a copy thereof shall be filed with the board of directors of the district, with the advisory board of the state engineering department and with the boards of supervisors of the counties constituting the district.

Stats. 1917,
p. 52,
amended.

SEC. 11. Section twenty-three of said act is hereby amended to read as follows:

Hearing.

Sec. 23. Upon filing such appeal, the said advisory board shall have jurisdiction to hear and determine the same. It

may take testimony and hear all parties interested. It may change or modify any of the plans of the engineer, and may reduce the estimate of cost or change or modify the assessment against the State of California and any of the counties in said district, or may make a new assessment against the State of California and the counties in said district. Its judgment shall be final and conclusive, and a copy thereof shall be filed with the state board of control and with the boards of supervisors composing the district.

Judgment.

SEC. 12. Section twenty-four of said act is hereby amended to read as follows:

Stats. 1917,
p. 53,
amended.

Sec. 24. The amount of the assessment imposed by the board of directors of the district, or by the said advisory board, shall be a charge, respectively, upon the state and the counties composing the district to the amount determined as herein provided, and shall be payable in five annual installments; *provided*, that should any installment exceed a sum equal to that which could be raised by a tax of five cents upon each hundred dollars of assessed valuation as the same appears upon the assessment roll of a county, then in the case of such county the board of directors may, in the order making said assessment increase the number of annual installments to such a number that the amount of each installment will be less than that which would result from the levy of such tax. The first installment shall be payable on or before the first day of July in the next calendar year following the filing of the assessment with the state board of control and boards of supervisors; *provided*, said assessment shall have been so filed prior to the first day of September preceding, otherwise it shall be payable on or before the first day of July in the second calendar year succeeding such filing. The remaining installments shall be payable on the same day in each succeeding year.

Payment of
assessments.

It is *however, provided*, that the board of supervisors of any county in a joint highway district shall have the power to pay at any time the full amount of any assessment imposed upon such county, or the full amount, or any portion, of any installment of any such assessment, and to levy a tax therefor as in this act provided.

SEC. 13. Section twenty-five of said act is hereby amended to read as follows:

Stats. 1917,
p. 53,
amended.

Sec. 25. Copies of the order creating said highway assessment district and the map so approved shall be forthwith transmitted to the assessor and recorder of the several counties comprising the joint highway district. The recorder shall record said order and map as provided by law without charge therefor. The assessor shall preserve said map and in making any assessment roll shall cause all parcels of land within the assessment district to be separately valued so that the value of all the land therein shall be definitely ascertained.

Orders and
maps go to
assessors and
recorders.

SEC. 14. Section twenty-six of said act is hereby amended to read as follows:

Stats. 1917,
p. 53,
amended.

Statements
of total
assessed
value.

Sec. 26. On or before the fifteenth day of August in each year the auditor of each of the counties composing the district shall certify and transmit to the secretary of the joint highway district a statement showing the total assessed value of the land within his county included in the assessment district created as herein provided.

Stats. 1917,
p. 53,
amended.

Sec. 15. Section twenty-seven of said act is hereby amended to read as follows:

Determina-
tion and
apportion-
ment of
installments.

Sec. 27. Immediately upon receipt of the statements required by the preceding section, the secretary of said joint highway district shall ascertain the amount of the installment of the assessment due and to be paid within the year thereafter. The sum so ascertained shall be the amount to be raised by taxation upon all the property within the assessment district. He shall apportion the said amount to the several counties composing the district according to the assessed value of the property therein as certified and shall transmit to the clerk of the board of supervisors of each of said counties a statement showing the total assessed value of the property within these counties included in the assessment district and the amount of money required to be raised by a tax imposed thereon.

Stats. 1917,
p. 54,
amended.

Sec. 16. Section twenty-eight of said act is hereby amended to read as follows:

Payment of
assessments
against
state.

Sec. 28. The amount assessed against the state in the discretion of the state board of control may be paid in one installment and from any fund now available, or which may hereafter be made available for that purpose, or out of special appropriations for the purpose made by the legislature.

Stats. 1917,
p. 54,
amended.

Sec. 17. Section twenty-nine of said act is hereby amended to read as follows:

Levy of
taxes.

Sec. 29. At the time and in the manner provided by law for levying of taxes by the board of supervisors, the board of supervisors shall levy a tax, which shall be in addition to all taxes levied for county purposes, for the payment of the amount of the installment of the assessment assessed against the county, and shall also levy a special tax upon all the property within the highway assessment district, if any has been created, in the county, sufficient to raise the sum of money required by this act.

Stats. 1917,
p. 54,
amended.

Sec. 18. Section thirty of said act is hereby amended to read as follows:

Computation
and
collection
of tax.

Sec. 30. The tax so levied shall be computed and collected at the time and in the manner required by law for the computation and collection of taxes for county purposes and the land subject to such tax shall be subject to the same penalties for delinquencies, and the same provisions of law relating to the sale and redemption of land for nonpayment of county taxes, shall apply to the tax herein authorized.

Stats. 1917,
p. 54,
amended.

Sec. 19. Section thirty-one of said act is hereby amended to read as follows:

Sec. 31. All moneys collected as the proceeds of a tax levied as herein provided shall be paid by the treasurer of the county to the treasurer of the joint highway district and placed to the credit of the funds of the district as herein provided.

Moneys paid
to treasurer.

Sec. 20. Section thirty-two of said act is hereby amended to read as follows:

Stats. 1917,
p. 55,
amended.

Sec. 32. All moneys received by the joint highway district, unless otherwise provided herein, shall be kept in a fund to be named "construction fund" and shall be paid out upon the order of the board of directors only for the purposes herein provided.

Construction
fund.

Sec. 21. Section thirty-three of said act is hereby amended to read as follows:

Stats. 1917,
p. 55,
amended.

Sec. 33. At any time after the assessment, either against the state, the several counties or the land within an assessment district has been made, the board of directors of the district may anticipate the payment thereof and may issue "revenue bonds" against the fund into which shall be paid all sums paid on account of the assessments imposed. The maturity of any bonds issued shall be subsequent to the date upon which any installment of assessment is due and the amount to become due shall not exceed the amount of such installment of assessment available to pay the same. The intent of the foregoing provisions is that there shall be available for the payment of the principal and interest of all bonds issued a sum sufficient to pay the same at the time such interest and principal become due, and it shall be the duty of the board of directors to make provision for the payment of all bonds issued and interest thereon prior to their sale and delivery.

Revenue
bonds.

The bonds shall be issued at such time and in such amounts as may be required to meet the payment of the demands of the district, as may be determined by the board of directors. The form, denomination, rate of interest, time, place and manner of payment and all matters relating to such issuance shall be determined by the board of directors of the district; *provided*, that the rate of interest shall not exceed six per centum per annum.

Board of
directors
determine
form, etc.

The bonds so issued shall be sold in such amounts as the board of directors may determine. The state board of control is hereby authorized to purchase such bonds and pay for them out of any surplus money in the state treasury which, in its judgment, shall not be required for governmental purposes prior to the maturity of such bonds. The boards of supervisors of the several counties shall likewise have authority to purchase such bonds with any surplus funds under their control.

Sale of
bonds.

CHAPTER 256.

An act to abolish the labor bureau contingent fund.

[Approved by the Governor May 20, 1925.]

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

Labor
bureau con-
tingent fund.

SECTION 1. The labor bureau contingent fund is hereby abolished. All money in such fund or payable to such fund shall be paid into the state treasury to the credit of the general fund.

CHAPTER 257.

An act to amend section two thousand one hundred sixty-seven b of the Political Code, relating to psychopathic parole.

[Approved by the Governor May 20, 1925.]

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

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

Psychopathic
parole act.

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.

Office may
be created
by
supervisors.

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.

Duties and
powers.

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 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 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.

Salaries.

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 in which they are appointed respectively and in the same manner as county officers.

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. Expenses.

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 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; *provided, further,* that if a relative or a friend of the patient is found outside of the county, of whose ability and willingness to assume the responsibility and the expense of the proper care of the patient the court is satisfied, the court may release such patient to the custody of such relative or friend and the cost and expense of transporting the patient to the home of such relative or friend shall be a charge upon the county in which the court has jurisdiction and shall be paid in the manner prescribed Care of persons mentally sick.

Payment of expense.

Transfer of custody.

in this paragraph for the payment of other expenses for the care of such patients.

Purpose
of act.

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.

CHAPTER 258.

An act to amend sections nine and eleven and to repeal sections twelve and sixteen of the "state market commission act," approved June 1, 1917, as amended, relating to the disposition of moneys.

[Approved by the Governor May 20, 1925.]

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

Stats. 1917,
p. 1671,
amended. SECTION 1. Section nine of the "state market commission act," approved June 1, 1917, as amended, is hereby amended to read as follows:

Salaries. SEC. 9. The salaries of the director and secretary shall be paid in the same manner as are the salaries of other state officers.

Stats. 1917,
p. 1671,
amended. SEC. 2. Section eleven of the "state market commission act," approved June 1, 1917, as amended, is hereby amended to read as follows:

Disposition
of fees, etc. SEC. 11. All fees and charges and costs collected by said commission under this act shall be paid into the state treasury of the state to the credit of the general fund.

Stats. 1917,
p. 1672,
repealed. SEC. 3. Section twelve of the "state market commission act," approved June 1, 1917, as amended, is hereby repealed.

Stats. 1917,
p. 1672,
repealed. SEC. 4. Section sixteen of the "state market commission act," approved June 1, 1917, as amended, is hereby repealed.

CHAPTER 259.

An act appropriating money for the restoration and rebuilding of Fort Ross, Sonoma county, California.

[Approved by the Governor May 20, 1925.]

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

Appropriation: restoration of Fort Ross. SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of twenty-five hundred dollars to be expended in accordance with law to continue the restoration of Fort Ross, Sonoma county, including the erection of the southwest bastion, the construction of a portion of the stockade, and the repair of the old Russian hotel.

CHAPTER 260.

An act to repeal section six hundred twenty-eight i of the Penal Code, relating to the protection of fish and game.

[Approved by the Governor May 20, 1925.]

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

SECTION 1. Section six hundred twenty-eight i of the Penal Code is hereby repealed. Repealed.

CHAPTER 261.

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

[Approved by the Governor May 20, 1925.]

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

SECTION 1. Section six hundred twenty-six g of the Penal Code, relating to the protection of fish and game, is hereby amended to read as follows:

626g. Every person who at any time before September 1, 1927, hunts, pursues, kills or destroys, or has in his possession any species of tree squirrel is guilty of a misdemeanor. Tree squirrels, killing prohibited.

CHAPTER 262.

An act to repeal section six hundred twenty-six and one-half of the Penal Code, relating to the protection of fish and game.

[Approved by the Governor May 20, 1925.]

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

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

CHAPTER 263.

An act to amend section three of an act entitled "An act to provide for local improvements upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities, such act to be known as 'the local improvement act of 1901' " which became a law under constitutional provision without the governor's approval February 26, 1901, as amended.

[Approved by the Governor May 20, 1925.]

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

SECTION 1. Section three of an act entitled "An act to provide for local improvements upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers" Stats. 1915, p. 379, amended.

within municipalities, such act to be known as 'the local improvement act of 1901,''' which became a law under constitutional provision without the governor's approval February 26, 1901, as amended, is hereby amended to read as follows:

Resolution
proposing
improvement.

Sec. 3. Before ordering any work done or improvement made, which is authorized by section two of this act, the legislative body shall pass a resolution containing a general description of the proposed improvement, and referring the same to the city engineer or board of public works or commissioner of public works, if there be one; if not, to some civil engineer employed by them for the purpose and named in the said resolution, and instructing such engineer or board of commissioners to make a report in writing to the legislative body, containing his recommendations as to the best method of making said improvements, to which report shall be attached the exhibits hereinafter referred to; *provided, however*, that when the work proposed to be done is the construction or reconstruction of sewers for sanitary or drainage purposes, or either or both thereof, the council shall have power in the resolution to provide in its discretion that such work may be done according to any of several alternative plans and specifications, in accordance with any one of several alternative methods, classes or kinds of construction, and calling for any of several alternative classes and kinds of material to be thereafter determined by the said council.

CHAPTER 264.

An act to amend section three thousand eight hundred eighteen of the Political Code relative to partial redemptions from sale to state for delinquent taxes.

[Approved by the Governor May 20, 1925.]

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

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

Partial
redemption.

3818. In all cases where a lot, piece, or parcel of land contained in any assessment has been sold or may hereafter be sold for delinquent taxes to the state, and the state has not disposed of the same, a partial redemption may be made, separately from the whole assessment, of any such lot, piece or parcel of land as follows:

If land
has separate
valuation.

If such lot, piece or parcel of land has a separate valuation on the assessment roll, such partial redemption shall be made in the manner following: In the estimate provided for in the preceding section, the auditor shall estimate the amount of state and county taxes due on such lot, piece or parcel of land, together with a proper proportion of the taxes due on personal property under such assessment, and of the taxes due each school, road, lesser or other taxation district; and such redemp-

tion shall be made in the manner provided for in the preceding section.

If such lot, piece or parcel of land does not have a separate valuation on the assessment roll, the auditor shall submit the description of the fractional part of the lot, piece or parcel of real property upon which redemption is requested, to the county assessor, who must place a valuation thereon. The auditor shall then estimate the amount of such taxes due on such lot, piece or parcel of land according to such relative or proportionate value and the taxes due on any improvements on the portion sought to be so redeemed, together with a relative proportion of the taxes due on personal property under such assessment, and of the taxes due each school, road, lesser or other taxation district; whereupon such redemption shall be made in the manner provided for in the preceding section; *provided*, that no lot, piece or parcel of land owned or claimed under contract by the person so redeeming shall be divided for the purpose of such redemption. A notice by registered mail of the proposed division must be given by the auditor to the person or persons to whom the same was assessed, if known to the auditor, if not so known, by posting a notice of such proposed division for a period of twenty days in three public places in said county, and if no protest against said division be filed with the auditor within twenty days from the date of the posting or mailing of such notice, the auditor shall thereupon issue an estimate as above stated. In cases where written protest is filed within said twenty days to said division, the auditor shall withhold his estimate and refer the matter to the board of supervisors for decision. The board of supervisors shall set a time for hearing said protest, and cause a notice of the date of said hearing to be mailed by its clerk to the person or persons who have filed a written protest with the auditor, as above provided, at the post-office address named in such protest, at least five days prior to the date of such hearing, and at the termination of said hearing may confirm the act of the assessor or modify or set aside the same and its decision in the premises shall be final. In the event of such reference to the board of supervisors and of their dividing the assessment, the estimate of the auditor shall conform to the action of the board. A partial redemption may be made, in like manner, separately from the whole assessment, of an undivided interest in any real property, if such property has a separate valuation on the assessment roll; the auditor estimating the amount of taxes due on such undivided interest according to the proportion which such interest in said real property bears to the whole assessment. The recorder shall note, on the margin of the record of the certificate of sale a description of the property or undivided interest redeemed under this section, and shall specifically set forth the several amounts of taxes paid upon such redemption.

If no separate valuation.

Notice.

Protest.

Undivided interest.

CHAPTER 265.

An act to amend section three thousand seven hundred eighty-five b of the Political Code, relating to sale of property for delinquent taxes.

[Approved by the Governor May 20, 1925.]

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

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

Deed to purchaser.

3785b. When property has been sold to a purchaser other than the State of California at a delinquent tax sale, in pursuance of section three thousand seven hundred seventy-one a 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 accrued by reason of any previous tax sale or delinquency. Said deed shall be in substance and may be in form as follows:

Form.

“This indenture, made the ----- day of ----- 19____, between -----, tax collector of the county of -----, State of California, first party, 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 nonpayment 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.

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.

CHAPTER 266.

An act to amend section nineteen x forty-one of the "juvenile court law," approved June 5, 1915, as amended, relating to the salary of the probation officer in counties of the forty-first class.

[Approved by the Governor May 20, 1925.]

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

SECTION 1. Section nineteen x forty-one of the "juvenile court law," approved June 5, 1915, as amended, is hereby amended to read as follows:

Stats. 1921,
p. 1330,
amended.

19x41. In counties of the forty-first class there shall be one probation officer, whose salary shall be forty dollars per month.

Counties of
41st class:
salary of
probation
officer.

CHAPTER 267.

An act to add a new section to the Civil Code to be numbered two hundred ninety g, relating to stock without any nominal or par value.

[Approved by the Governor May 20, 1925.]

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 two hundred ninety g and to read as follows:

290g. All provisions of law respecting the amount of the capital stock of any corporation shall be satisfied in the case of a corporation which has availed or may avail itself of and is or may be governed by the provisions of sections two hundred ninety b, two hundred ninety c, two hundred ninety d, two hundred ninety e and two hundred ninety f of the Civil Code if the amount of the stated capital of such corporation shall be an amount equal to the requirement of the laws of this state respecting such capital stock subscribed, fully paid up or otherwise, and all provisions of law making any requirement relating to or based upon the capital stock of corporations or the amount of such capital stock or the shares into which such capital stock is or may be divided that are or may be applicable to corporations which have availed or may avail themselves of and are or may be governed by the provisions of sections two hundred ninety b, two hundred ninety c, two hundred ninety d, two hundred ninety e and two hundred ninety f of the Civil Code shall be applied to the stated capital, the amount of such stated capital, and the shares of such corporations, respectively.

Compliance
with
statutory
requirements.

All provisions of law requiring that the par value of capital stock be stated in articles of incorporation or in amendments thereof or otherwise shall be deemed to be fully complied with in respect to shares without any nominal or par value if it be stated concerning such shares that they have no nominal or par value.

CHAPTER 268.

An act to amend an act entitled "An act to provide for work done upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, as amended, by adding a new section thereto to be numbered three and one-half, relating to alternative plans and specifications and procedure to be followed in relation thereto.

[Approved by the Governor May 20, 1925.]

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

Stats. 1885,
p. 149,
amended.

SECTION 1. A new section is hereby added to an act entitled "An act to provide for work done upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, as amended, to be numbered three and one-half and to read as follows:

Sewer work
plans,
methods,
materials
and
mixtures.

Sec. 3½. When the work proposed to be done is the construction or reconstruction of sewers for sanitary or drainage purposes, or either or both thereof, the council shall have power in the resolution of intention to declare its intention to do such work according to some one of two or more plans or methods or with some one of two or more kinds of material or mixtures and to adopt plans and specifications for the doing of such work according to such alternative plans or methods or with such alternative kinds of material or mixtures. In the event the council shall so declare in its resolution of intention, then the council shall upon the hearing provided for in section three hereof, determine that such work shall be so done, and invite proposals for the doing thereof according to such alternative method or plan or with such alternative kinds of materials or mixtures, and upon the opening of such proposals said council shall thereupon fix a time for hearing upon the proposals so received, notice of which shall be given by posting and publication for the same time and in the same manner as is provided for the notice inviting proposals, the first publication of which notice shall be at least ten days before the time of hearing so fixed. At such hearing any person interested shall have the right to appear and be heard upon the question as to which method or plan or material or mixture shall be adopted for the doing of such work and as to which proposal shall be accepted. The council may thereupon in its award of the contract determine not only the bidder to whom the award shall be made, but also which one of such alternative methods or plans of doing such work shall be adopted, or which of such alternative materials or mixtures shall be adopted, for the doing of said work. It shall thereupon award the contract, if an award be made, to the lowest responsible bidder for the doing of said work according to such plan or method or material or mixture so adopted, and thereupon said work shall be done in accordance with the

plan or method or material or mixture so adopted. No other method or procedure provided for in this act shall govern in regard to the doing of said work. The procedure provided for in this section shall be an alternative procedure to that provided in the other sections of this act, of which this section forms a part, and the council shall be at liberty to use such procedure or not in its discretion. If the council shall not exercise its discretion to call for proposals for the doing of said work according to the alternative method as herein provided for, or plan, or such alternative materials or mixtures, then this section shall not apply to any proceeding taken under this act. *It is provided, further,* that, notwithstanding any charter or other provision of law requiring the award of contract to be made by a public board or officer, other than the council, nevertheless, in all cases where proceedings have been taken under this section the award of contract shall be by the council and said council shall not only determine the bidder to whom the award shall be made, but also the method or plan or materials or mixtures to be adopted for the doing of such work.

CHAPTER 269.

An act to amend section two of an act entitled "An act to provide for the establishment and change of grade of public streets, lanes, alleys, courts, places and rights of way and of any of the following avenues of public travel, namely, tunnels, subways, viaducts, bridges or independent subterranean ways in municipalities and providing for the construction or improvement thereof, in cases where any damage to private property would result in 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, as amended.

[Approved by the Governor May 20, 1925.]

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 establishment and change of grade of public streets, lanes, alleys, courts, places and rights of way and of any of the following avenues of public travel, namely, tunnels, subways, viaducts, bridges or independent subterranean ways in municipalities and providing for the construction or improvement thereof, in cases where any damage to private property would result from such improvement and for the assessment of the cost, 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 pay-

Stats. 1917,
p. 972,
amended.

ment and effect of such bonds," approved June 16, 1913, as amended, is hereby amended to read as follows:

Resolution
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 the 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.

Work that
may be
included.

Such legislative body may include in one improvement, under one ordinance or resolution of intention and order and under one contract, the grade of all or any portion of one or more streets, avenues, lanes, alleys, courts, places, rights of way or other land of the city, or land in which and where the city has an easement or right of way, established, changes, or modified, and the grade of the roadway of any of the following avenues of public travel, namely tunnels, subways, viaducts, bridges, or independent subterranean ways, in, on, under, over or through any portion of any of said streets, avenues, lanes, alleys, courts, places, right of way or other land of the city, or land in which and where the city has an easement or right of way, established, changed or modified, and the construction of any one or more or all of the different kinds of work enumerated in section one hereof, upon the same or any part or portion thereof, and may exclude therefrom any of such work already done. *Provided, however,* that when the work proposed to be done is the construction or reconstruction of sewers for sanitary or drainage purposes, or either or both thereof, the council shall have power in the resolution or ordinance to declare its intention to do said work according to some one of two or more plans or methods or with some one of two or more kinds of material or mixtures and to adopt plans and specifications for the doing of said work according to such alternative plans or methods or with such alternative kinds of materials or mixtures. In the event the council shall so declare in its resolution or ordinance, then the council shall upon the hearing provided for in sections two and four hereof, determine that said work shall be so done, and invite proposals for the doing thereof according to such alternative method or plan or with such alternative kinds of materials or mixtures, and upon the opening of such proposals said council shall thereupon fix a time for hearing upon the proposals so received, notice of which shall be given by posting and publication for the same time and in the same manner as is provided

Sewer work:
plans,
methods,
materials
and
mixtures.

for the notice inviting proposals the first publication of which notice shall be at least ten days before the time of hearing so fixed. At such hearing any person interested shall have the right to appear and be heard upon the question as to which method or plan or material or mixture shall be adopted for the doing of said work and as to which proposal shall be accepted. The council may thereupon in its award of contract determine not only the bidder to whom the award shall be made, but also which one of such alternative methods or plans of doing such work shall be adopted, or which of such alternative materials or mixtures shall be adopted, for the doing of said work. It shall thereupon award the contract, if an award be made, to the lowest responsible bidder for the doing of said work according to such plan or method or material or mixture so adopted, and thereupon said work shall be done in accordance with the plan or method or material or mixture so adopted. No other method or procedure provided for in this act shall govern in regard to the doing of said work. The procedure provided for in this section shall be an alternative procedure to that provided in the other sections of this act, of which this section forms a part, and the council shall be at liberty to use such procedure or not in its discretion. If the council shall not exercise its discretion to call for proposals for the doing of said work according to the alternative method as herein provided for, or plan, or such alternative materials or mixtures, then this section shall not apply to any proceeding taken under this act. *It is provided further* not, notwithstanding any charter or other provisions of law requiring the award of contract to be made by a public board or officer, other than the council, nevertheless, in all cases where proceedings have been taken under this section the award of contract shall be by the council and said council shall not only determine the bidder to whom the award shall be made, but also the method or plan or materials or mixtures to be adopted for the doing of such work.

CHAPTER 270.

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 ten and one-half, relating to alternative

plans and specifications and procedure to be followed in relation thereto.

[Approved by the Governor May 20, 1925.]

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

Stats. 1911,
p. 736,
amended.

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 grade 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 ten and one-half and to read as follows:

Sewer work:
plans,
methods,
materials
and
mixtures.

Sec. 10½. When the work proposed to be done is the construction or reconstruction of sewers for sanitary or drainage purposes, or either or both thereof, the council shall have power in the resolution of intention to declare its intention to do such work according some one of two or more plans or methods or with some one of two or more kinds of material or mixtures and to adopt plans and specifications for the doing of such work according to such alternative plans or methods or with such alternative kinds of materials or mixtures. In the event the council shall so declare in its resolution of intention, then the council shall upon the hearing provided in section three hereof, determine that such class or classes or kinds or kinds of work shall be so done, and invite proposals for the doing thereof according to such alternative method or plan or with such alternative kinds of materials or mixtures, and upon the opening of such proposals said council shall thereupon fix a time for hearing upon the proposals so received, notice of which shall be given by posting and publication for the same time and in the same manner as is provided for the notice inviting proposals, the first publication of which notice shall be at least ten days before the time of hearing so fixed. At such hearing any person interested shall have the right to appear and be heard upon the question as to which method or plan or material or mixture shall be adopted for the doing of such work and as to which proposal shall be accepted. The council may thereupon in its award of contract determine not only the bidder to whom the award shall be made, but also which one of such alternative methods or plans of doing such work shall be adopted, or which of such alternative materials or mixtures shall be adopted, for the doing of said work. It shall thereupon award the contract, if an award be made, to the lowest responsible bidder for the doing of said work according to such plan or method or material or mixture so adopted, and thereupon said work shall be done in accordance with the plan or method or material or mixture so adopted. No other method of procedure provided for in

this act shall govern in regard to the doing of said work. The procedure provided for in this section shall be an alternative procedure to that provided in the other sections of this act, of which this section forms a part, and the council shall be at liberty to use such procedure or not in its discretion. If the council shall not exercise its discretion to call for proposals for the doing of said work according to the alternative method as herein provided for, or plan, or such alternative materials or mixtures, then this section shall not apply to any proceeding taken under this act. *It is provided further that,* notwithstanding any charter or other provisions of law requiring the award of contract to be made by a public board or officer, other than the council, nevertheless, in all cases where proceedings have been taken under this section the award of contract shall be by the council and said council shall not only determine the bidder to whom the award shall be made, but also the method or plan or materials or mixtures to be adopted for the doing of such work.

CHAPTER 271.

An act to amend section four hundred fifty-six of the Political Code, relating to employees in the office of the state treasurer.

[Approved by the Governor May 22, 1925.]

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

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

456. The state treasurer may appoint one deputy state treasurer, one cashier, one bond officer, one deposit officer, one bookkeeper and one secretary-stenographer, all of whom shall be civil executive officers. The annual salary of the deputy state treasurer is four thousand dollars; of the cashier, two thousand seven hundred dollars; of the bond officer, two thousand seven hundred dollars; of the deposit officer, two thousand seven hundred dollars; of the bookkeeper, two thousand four hundred dollars; of the secretary-stenographer, one thousand five hundred dollars. All such salaries shall be paid in the same manner and at the same time as the salaries of other state officers.

Employees
in office of
state
treasurer.

CHAPTER 272.

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

[Approved by the Governor May 22, 1925.]

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

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

628. (a) Every person who dries any shrimps caught or taken in the waters of this state, or who takes shrimps from

Protection
of shrimp.

the waters of the state for any purpose other than for fresh market purposes is guilty of a misdemeanor; *provided*, that in fish and game districts eleven, twelve and thirteen, unmarketable shrimps which may be unavoidably taken in fishing for the fresh market. may be dried, but at no time shall more than fifty per cent of the shrimps, brought in by any boat, be dried.

Spiny
lobster.

(b) Every person who, between the first day of March and the fourteenth day of October inclusive of any year, takes, catches, kills, has in possession, buys, sells or offers for sale any spiny lobster (*Panulirus interruptus*), or who at any time takes, catches, kills, has in possession, buys, sells, or offers for sale any spiny lobster (*Panulirus interruptus*), of less than ten and one-half inches or more than sixteen inches in length, measured from one extremity to the other and exclusive of legs, claws or feelers, shall be guilty of a misdemeanor. Every

Crab.

person who at any time takes, catches, kills, has in possession, buys, sells, or offers for sale any crab (*Cancer magister*), of less than seven inches in breadth, measured straight across the back from point to point, or any female crab (*Cancer magister*), or who, between the thirty-first day of July and the fourteenth day of November, inclusive, of any year takes, catches, kills, has in possession, buys, sells, or offers for sale any crab (*Cancer magister*), shall be guilty of a misdemeanor; *provided*, that crabs from without the state may be imported into the state for sale at any time, *provided*, such crabs are duly inspected and tagged according to the rules and regulations to be prescribed by the fish and game commission. The cost of such inspection and tagging must be borne by the

Spiny lobster
or crab.

person or persons importing such crabs. Any person who shall at any time, pickle, can, or otherwise preserve any spiny lobster (*Panulirus interruptus*) or crab (*Cancer magister*), or who shall at any time sell any spiny lobster (*Panulirus interruptus*) or crab (*Cancer magister*) meat not in the shell of any such spiny lobster (*Panulirus interruptus*) or crab (*Cancer magister*), or who shall bring to shore any part or portion of any spiny lobster (*Panulirus interruptus*) or crab (*Cancer magister*) without the remaining portions of such spiny lobster (*Panulirus interruptus*) or crab (*Cancer magister*) in such condition that the size of any such spiny lobster (*Panulirus interruptus*) or crab (*Cancer magister*) can not be measured, shall be guilty of a misdemeanor.

Shipment
of crab.

(c) Every person who ships or offers for shipment or who transports or carries any species of crab from fish and game districts one and one-half, five, six, seven, seven "A," eight and nine, either to a point outside of the state or into any part of the state other than in districts one and one-half, five, six, seven, seven "A," eight and nine, or who holds any crabs in live cars within said fish and game districts, is guilty of a misdemeanor.

For the purposes of this act a live car shall be any box, crate or pen in which live crabs are kept.

(d) None of the provisions of this act shall apply to spiny lobster caught or taken without the waters of this state, when said spiny lobster are caught in waters lying south for a distance of ten miles from the international boundary line between the United States and Mexico, extended westerly in the Pacific ocean, and bearing after inspection such evidence of having been so caught or taken as may be hereafter prescribed by the fish and game commission; *and be it provided*, that all the expenses of such inspection shall be borne by the importer of such spiny lobster; *and be it provided, further*, that all spiny lobster imported into this state shall be of the size prescribed in this section.

Spiny lobster caught below Mexican boundary.

CHAPTER 273.

An act making an appropriation for the erection and construction of a new grandstand at the state agricultural grounds at Sacramento, California.

[Approved by the Governor May 22, 1925.]

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

SECTION 1. The sum of two hundred thousand dollars or as much thereof as may be necessary is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the purpose of the erection and construction of a new grandstand at the state agricultural grounds at Sacramento, California.

Appropriation: grandstand at state fair grounds.

CHAPTER 274.

An act to amend section twenty-three of an act entitled "An act to divide the State of California into fish and game districts and to repeal an act entitled 'An act to divide the State of California into fish and game districts and to repeal an act entitled "An act to divide the State of California into six fish and game districts," approved March 21, 1911, and all acts or parts of acts inconsistent herewith,' approved May 15, 1915," approved May 28, 1917, as amended.

[Approved by the Governor May 22, 1925.]

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

SECTION 1. Section twenty-three of an act entitled "An act to divide the State of California into fish and game districts and to repeal an act entitled 'An act to divide the State of California into fish and game districts and to repeal an act entitled "An act to divide the State of California into six fish and game districts," approved March 21, 1911, and all acts or parts of acts inconsistent herewith,' approved May

Stats. 1917, p. 1055, amended.

15, 1915," approved May 28, 1917, as amended, is hereby amended to read as follows:

Four "A."

Sec. 23. Fish and game district four "A" shall consist of and include a portion of the Angeles national forest lying within the county of San Bernardino and more particularly described as follows, to wit: All that tract of land situate, lying and being within the following boundary:

Beginning at a point in the Angeles forest reserve in San Bernardino county where the ravine of the Mohave river crosses the north line of township two north range four west, thence due east along the township lines to a point where the ravine of Deep creek crosses such township line; thence easterly following the ravine of said Deep creek to a point marking the confluence of the ravines of Deep creek and Holcomb creek; thence east and north following the ravine of Holcomb creek to Holcomb valley; thence easterly along the public road to the junction thereof with a public road leading south-easterly to the Rose mine; thence north from said junction to the north line of section thirty-one, township three north, range two east; thence east to the northeast corner of section thirty-six, township three north, range two east; thence south along the east line of said section thirty-six and the easterly lines of township two north, range two east, township one north, range two east, and township one south, range two east, to the southeast quarter of township one south, range two east; thence due west along the township line to the southwest corner of township one south, range one east; thence due north along the west line of township one south, range one east, to the ravine of Mill creek; thence west along the ravine of Mill creek to a point where Mill creek crosses the west line township one south, range one west; thence north along the west line of township one south, range one west, and township one north, range one west, to the southeast corner of section twenty-four, township one north, range two west; thence due west along the southerly line of sections twenty-four, twenty-three, twenty-two, twenty-one, twenty and nineteen of township one north, range two west, and the southerly line of sections twenty-four, twenty-three, twenty-two and twenty-one, township one north, range three west, to the line of the Angeles forest reserve; thence in a general northwesterly direction to a point where the ravine of Devil's canyon crosses the said Angeles forest reserve line; thence northerly along the ravines of Devil's canyon and Sawpit canyon to the place of beginning, all of said described area being within the boundaries of the Angeles forest reserve.

CHAPTER 275.

An act appropriating fifty thousand dollars for the construction and maintenance of fire lanes and trails on the mountains composing the watersheds of Los Angeles county.

[Approved by the Governor May 22, 1925.]

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

SECTION 1. The sum of fifty thousand dollars (\$50,000), or as much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be expended by the state board of forestry, for the purpose of cooperating with the county of Los Angeles in the construction and maintenance of fire lanes and fire trails on the mountains composing the watersheds of Los Angeles county. Appropriation: Los Angeles county forest fire protection.

SEC. 2. The state board of forestry, with the approval of the state board of control, is authorized to enter into a contract with the county of Los Angeles on behalf of the State of California and the board of supervisors of the county of Los Angeles is authorized to enter into a contract with the state board of forestry on behalf of the county of Los Angeles, whereby the county of Los Angeles agrees to construct and maintain fire lanes and fire trails on the mountains composing the watersheds of said county, and to expend thereon, during each of the seventy-seventh and seventy-eighth fiscal years, an amount in said contract to be agreed upon. One-half of the said amount to be expended shall be furnished by the county of Los Angeles from its general fund, and one-half shall be furnished to the county of Los Angeles by the State of California on the order of the state board of forestry; *provided, however*, that the sum to be furnished by the state shall not exceed, in either of said fiscal years, the sum of twenty-five thousand dollars (\$25,000). Contract with Los Angeles county.

SEC. 3. Any part of the sum hereby appropriated may, with the consent of the governing body thereof expressed by resolution, be expended on the construction and maintenance of fire lanes or fire trails on mountains within the limits of municipal corporations. Expenditures in cities.

CHAPTER 276.

An act to amend sections one thousand six hundred sixty-five and one thousand six hundred sixty-six of the Political Code, relating to courses of study in the elementary schools.

[Approved by the Governor May 22, 1925.]

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

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

1665. The course of study in the elementary schools of each city, county, and city and county, shall include instruction in the following prescribed branches in the several grades Studies to be taught in grades.

in which each may be required in the course of study adopted in pursuance of this section, viz:

(1) reading, (2) writing, (3) spelling, (4) language study, (5) arithmetic, (6) geography, (7) history of the United States and of California, (8) civics, including a study of the constitution of the United States, (9) music, (10) art, (11) training for healthful living, (12) morals and manners, and such other studies not to exceed three as may be prescribed by the board of education of the city, county, or city and county; *provided*, at least fifty per cent of the school day must be devoted to reading, writing, spelling, language study, and arithmetic. The state board of education shall adopt and publish one or more textbooks as may be necessary in each of the studies prescribed in this section except morals and manners and art for each of which a teacher's manual may be adopted, the cost of publishing to be paid out of the free textbook fund. The state board of education shall include in the textbooks and teacher's manuals adopted for said prescribed subjects such materials as it may deem necessary and proper to encourage thrift, fire prevention and the humane treatment of animals and teach the evil effects of alcohol and tobacco and other narcotics on the human system. Nothing herein contained shall be construed as repealing any other provisions of law relative to the elementary school courses of study.

Textbooks.

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

No reflections upon U. S. citizens.

1666. No textbook, chart or other means of instruction hereafter adopted by the state, county, city, or city and county boards of education for use in the public schools of this state shall contain any matter reflecting upon citizens of the United States because of their race, color, or creed; and no teacher in giving instruction as herein provided, nor any amusements nor entertainments permitted in or about any school shall reflect in any way upon citizens of the United States because of their race, color, or creed.

CHAPTER 277.

An act to amend section fifteen of an act entitled "An act to provide for the organization and government of irrigation districts, and to provide for the acquisition and 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.

[Approved by the Governor May 22, 1925.]

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

Stats. 1919,
p. 661,
amended.

SECTION 1. Section fifteen of an act entitled "An act to provide for the organization and government of irrigation districts, and to provide for the acquisition and 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:

Sec. 15. The board of directors shall have the power and it shall be their duty to manage and conduct the business and affairs of the district; make and execute all necessary contracts; employ and appoint such agents, officers, and employees as may be required, and prescribe their duties. The board and its agents and employees shall have the right to enter upon any land to make surveys, and may locate the necessary irrigation works and the line for canal or canals, and the necessary branches for the same on any lands which may be deemed best for such location. Said board shall also have the right to acquire, by purchase, lease, contract, condemnation, or other legal means, all lands, and waters, and water rights, and other property necessary for the construction, use, supply, maintenance, repair and improvements of said canal, or canals, and works, whether in this or in other states or in a foreign nation, including canals, and works constructed and being constructed by private owners, lands for reservoirs for the storage of needful waters, and all necessary appurtenances, and also where necessary or convenient to said ends to acquire and hold the stock of other corporations domestic or foreign owning waters, canals, water works, franchises, concessions or rights. Said board may enter into, and do any acts necessary or proper for the performance of any agreements with the United States or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might lawfully be acquired or owned by the irrigation district, and may acquire the right to store water in any reservoirs or to carry water through any canal, ditch or conduit not owned or controlled by the district, and may grant to any owner or lessee of the right to the use of any water the right to store such water in any reservoir of the district or to carry such water through any canal, ditch or conduit of the district. Said board may also enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them, for the transfer or delivery to any such district, corporation, association, firm or individual, of any water right or water pumped, stored, appropriated, or otherwise acquired or secured for the use of the irrigation district or for the purpose of exchanging the same for other water or water right or water supply in exchange for water or water right or water supply to be delivered or transferred to said irrigation district by the other party to said agreement.

Powers and
duties of
directors.

CHAPTER 278.

An act to amend section four hundred forty-five of the Political Code, relating to salaries of the inheritance tax department.

[Approved by the Governor May 22, 1925.]

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

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

**Inheritance
tax
department.**

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.

Duties.

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 cooperate 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.

Attorneys.

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, five assistant inheritance tax attorneys, two of whom shall have their offices in the city of Los Angeles, two of whom shall have their offices in the city and county of San Francisco, and one of whom shall have his office in the city of Sacramento. Said attorneys shall be civil executive officers and 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.

Services.

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 neighboring county, as the controller may direct.

Salaries.

The salary of said inheritance tax attorney shall be four thousand two hundred dollars per annum. The salary of one assistant inheritance tax attorney whose office shall be in the city of Los Angeles shall be four thousand two hundred dollars per annum. The salary of the second assistant inheritance tax attorney whose office shall be in the city of Los

Angles shall be three thousand dollars per annum. The salary of one assistant inheritance tax attorney whose office shall be in the city and county of San Francisco shall be four thousand two hundred dollars per annum. The salary of the second assistant inheritance tax attorney, whose office shall be in the city and county of San Francisco shall be three thousand dollars per annum. The salary of said assistant inheritance tax attorney whose office shall be in the city of Sacramento shall be three thousand dollars per annum. The salaries of said inheritance tax attorney and of said assistant inheritance tax attorneys shall be paid at the same times and in the same manner as the salaries of other state officers.

Said attorneys shall also receive their necessary traveling and incidental expenses. Said expenses and any other and further and additional expenses for attorneys, clerks, experts, agencies or persons or for any other purpose which said controller may find necessary or proper in the conduct of said inheritance tax department shall be paid out of such moneys as may be appropriated from time to time to the controller for use of said inheritance tax department. Expenses.

CHAPTER 279.

An act authorizing and directing the California highway commission to acquire necessary rights of way, and to construct and maintain a highway, which is hereby declared to constitute and be a state highway, extending from Needles or from a point to be selected by the California highway commission upon the route of the state highway extending from San Bernardino to Needles in the county of San Bernardino to a point to be selected by the California highway commission on the boundary line between the State of California and the state of Arizona opposite the town of Topock, Arizona, or at such other point thereon as may be selected by said California highway commission.

[Approved by the Governor May 22, 1925.]

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

SECTION 1. The California highway commission is hereby authorized and directed to acquire necessary rights of way and to construct and maintain a highway, which shall constitute and be a state highway, extending from Needles or from a point to be selected by the California highway commission upon the route of the state highway extending from San Bernardino to Needles in the county of San Bernardino to a point to be selected by the California highway commission on the boundary line between the State of California and the state of Arizona opposite the town of Topock, Arizona, or at such other point thereon as may be selected by said California highway commission. San Bernardino-Topock highway.

CHAPTER 280.

An act to amend section four hundred twelve, and to repeal section four hundred thirteen of the Political Code, relating to appointees of the secretary of state and making an appropriation to pay the salaries of said appointees, not otherwise provided for during the seventy-seventh and seventy-eighth fiscal years.

[Approved by the Governor May 22, 1925.]

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

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

Appointees
of secretary
of state.

412. The secretary of state, to assist him in the discharge of the duties of his office, may appoint two deputies at an annual salary of four thousand dollars each, and one statistician at an annual salary of three thousand dollars, who shall be civil executive officers; said salaries to be paid at the same time and in the same manner as the salaries of other state officers; and may also appoint and fix the salaries, subject to the approval of the board of control, of all such clerical, expert and technical assistants as may be necessary for the proper conduct of his office.

Appropriation.

SEC. 2. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of nine thousand four hundred dollars to be used for the payment of salaries of the appointees of the secretary of state not otherwise provided for during the seventy-seventh and seventy-eighth fiscal years.

Repealed.

SEC. 3. Section four hundred thirteen of the Political Code is hereby repealed.

CHAPTER 281.

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

[Approved by the Governor May 22, 1925.]

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

Stats. 1921,
p. 334,
amended.

SECTION 1. Section twenty of an act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities, and for establishing and changing the grades of any such streets,

avenues, lanes, alleys, courts, places and sidewalks, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof and providing a method for the payment of such bonds," approved April 7, 1911, as amended, is hereby amended to read as follows:

Sec. 20. Sub. 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.

Sub. 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.

Sub. 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.

Street
terminating
in main
street.

Sub. 4. Where any alley or subdivision street crosses a main street, the expenses 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.

Sub. 5. The expense of work done on alley or subdivision street crossing 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.

Terminating
subdivision
streets, etc.

Sub. 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.

Sub. 7. Where any work mentioned in this act (man-holes, 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
government.

Sub. 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; *provided, however*, that any such sum or sums which may be assessed against any such lots, pieces or parcels of land so owned and used, shall not be payable by the city when such sum or sums are paid by the owner of or the governing body controlling such lots, pieces or parcels of land.

Sub. 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

Owners may improve streets.

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, deducting 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.

Sub. 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 the resolution of intention, and to be assessed to pay the expenses thereof. Such diagram shall show each separate lot, piece or parcel of land, and the dimensions of each such lot, piece or parcel 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

Diagram of
property
affected.

Estimate.

Assessment.

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.

Sub. 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. Definitions.

CHAPTER 282.

An act to amend sections nine and ten of an act entitled "An act to establish and support a bureau of labor statistics," approved March 3, 1883, as amended, providing for the appointment by the commissioner of said bureau of such full-time deputies, attorneys, statisticians, agents, assistants, stenographers and other employees as he may deem necessary, subject to the approval of the board of control and civil service commission, and for their compensation and traveling expenses; providing for the salary of the said commissioner and his traveling expenses, and for offices to be maintained by him, and contingent expenses thereof; to repeal an act entitled "An act to create the office of attorney for the state bureau of labor statistics," approved June 4, 1913, and to repeal all other acts and parts of acts in conflict with this act.

[Approved by the Governor May 22, 1925.]

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

SECTION 1. Section nine of an act entitled "An act to establish and support a bureau of labor statistics," approved March 3, 1883, as amended, is hereby amended to read as follows:

Stats. 1917,
p. 328,
amended.

Sec. 9. The commissioner shall appoint such deputies, attorneys, statisticians, agents, assistants, stenographers and other employees as he may deem necessary and for such compensation as he may deem proper, subject to the approval

Appointees
of labor
commis-
sioner.

of the board of control and civil service commission. Such employees shall devote their full time to the work of the bureau and shall be entitled to receive from the state, in addition to their salaries, their actual necessary expenses while traveling on the business of the bureau. The commissioner shall procure rooms necessary for offices in San Francisco, Los Angeles, Sacramento, San Diego, Oakland, Fresno, San Jose and in such other places as he may deem necessary, at a reasonable rental.

Offices. **Stats. 1917, p. 323, amended.** **Sec. 2.** Section ten of an act entitled "An act to establish and support a bureau of labor statistics," approved March 3, 1883, as amended, is hereby amended to read as follows:

Salaries and expenses. **Sec. 10.** The salary of the commissioner shall be five thousand dollars per annum, to be audited by the controller and paid by the state treasurer in the same manner as that of other state officers, and he shall also be entitled to receive his actual necessary expenses while traveling on business of the bureau. There shall also be allowed an amount not to exceed the amount allowed in the biennial budget for salaries of deputies, attorneys, statisticians, agents, assistants, stenographers, and other employees, supplies, service and expense.

Sec. 3. An act entitled "An act to create the office of attorney for the state bureau of labor statistics," approved June 4, 1913, is hereby repealed and all other acts and parts of acts in conflict with or inconsistent with this act are hereby repealed.

CHAPTER 283.

An act to amend section five hundred ninety-eight of the Civil Code, relating to property of religious corporations.

[Approved by the Governor May 22, 1925.]

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

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

Selling, etc., real property of religious corporations. 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.

Procedure. 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. Easements.

And provided, further, that, where the property sought to be sold, mortgaged, aliened, encumbered or granted, belongs to a corporation organized under this title for religious purposes, and upon the application of such corporation to the court for leave to sell, or to mortgage, or to alien, or to encumber, or to grant any of its property, it must also be made to appear to the court that the bishop or other ecclesiastical authority of the church, or religious denomination, sect, religious community, or organization under which, or to carry out the purpose of which, such corporation applicant was incorporated, has been notified in writing of the proposed selling, mortgaging, aliening, encumbering or granting of such property; *provided, further,* that nothing herein contained shall in any way apply to or affect any corporation sole that has been or may hereafter be organized under the present or future laws of this state. Notification
of church
authority.

CHAPTER 284.

An act to amend sections one and two of an act entitled "An act to be known as the 'inheritance tax act,' to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this act and by any act hereby repealed and for suits to quiet title against claims of liens arising hereunder, or under an act hereby repealed; and to repeal chapter five hundred eighty-nine of the laws of the session of the legislature of California of 1917, approved May 23, 1917, known as the 'inheritance tax

act,' ' approved June 3, 1921, and all amendments thereto, and adding a new section to be numbered section two and one-half.

[Approved by the Governor May 22, 1925.]

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

Stats. 1923,
p. 694,
amended.

SECTION 1. Section one of an act entitled "An act to be known as the 'inheritance tax act,' to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this act and by any act hereby repealed and for suits to quiet title against claims of liens arising hereunder, or under an act hereby repealed; and to repeal chapter five hundred eighty-nine of the laws of the session of the legislature of California of 1917, approved May 23, 1917, known as the 'inheritance tax act,' " approved June 3, 1921, and all amendments thereto is hereby amended to read as follows:

Title.

Section 1. (1) This act shall be known as the "inheritance tax act."

"Estate"
and
"property."

(2) The words "estate" and "property" as used in this act shall be taken to mean the real and personal property or interest therein of the testator, intestate, grantor, bargainor, vendor or donor passing or transferred to individual legatees, devisees, heirs, next of kin, grantees, donees, vendees, or successors, and shall include all personal property within or without the state or subject to the jurisdiction thereof; *provided*, that for the purpose of this act upon the death of the husband one-half of the community property is taxable under the provisions of this act; *provided, further*, that when the husband by testamentary disposition of the community property forces the surviving wife to elect whether to take under his will or by operation of law, the one-half or less of the community property, which the wife takes under the said will in lieu of the one-half belonging to her under the provisions of section one thousand four hundred one of the Civil Code, shall not be taxable under the provisions of this act; the provisions of this proviso shall also extend to those estates now in probate and in which the orders fixing tax have not become final judgments as provided by this act; *provided, further*, the one-half of the community property which belongs to the surviving spouse, under the provisions of section one thousand four hundred one of the Civil Code, and, in the case of the death of the wife, the community interest which goes to her husband under the provisions of section one thousand four hundred two of the Civil Code in the absence of her testamentary disposition thereof to another or others, shall not be deemed to pass to such surviving spouse as heir, but shall for the purpose of this act, be deemed to go, pass or be transferred for a valuable consideration, and the said one-half of the community property and the interest

Community
property.

last mentioned going as aforesaid to the surviving husband shall not be subject to the provisions of this act; *provided, further*, that for the purposes of this act, personal property wherever situated, heretofore or hereafter acquired while domiciled elsewhere, which would not have been the separate property of either husband or wife if acquired while domiciled in this state shall be deemed to be community property; *provided, further*, that in case of a transfer of the community property from one spouse to the other within the meaning of subdivision three (3) or five (5) of section two of this act, one-half of the community property so transferred shall not be subject to the provisions of this act; *and provided, further*, that the presumption that property acquired by either husband or wife after marriage is community property, shall not obtain for the purpose of this act as against any claim by the state for the tax hereby imposed; but the burden of proving such property to be community property shall rest upon the person claiming the same to be community property.

(3) The word "transfer" as used in this act shall be taken to include the passing of property or any interest therein, in possession or enjoyment, present or future, by inheritance, descent, devise, succession, bequest, grant, deed, bargain, sale, gift, or appointment in the manner herein described. "Transfer."

(4) The word "decedent" as used in this act shall include the testator, intestate, grantor, bargainor, vendor, or donor. "Decedent."

(5) The words "county treasurer" and "inheritance tax appraiser," as used in this act, shall be taken to mean the treasurer or the inheritance tax appraiser of the county of the superior court having jurisdiction as provided in section fifteen of this act. "County treasurer,"
and
"inheritance tax appraiser."

(6) This act shall become effective and in force contemporaneously with the taking effect of amendments to sections one thousand four hundred one and one thousand four hundred two of the Civil Code, which amendments were enacted at the forty-fifth session of the legislature of the State of California and known as chapter eighteen of the statutes of 1923, and not otherwise. Effective.

SEC. 2. Section two of said inheritance tax act is hereby amended to read as follows: Stats. 1921,
p. 1501,
amended.

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, said taxes to be upon the market value of such property at the rates hereinafter prescribed and only upon the excess over the exemptions hereinafter granted, in the following cases: Tax on
transfer of
property,
when.

(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 order of court setting apart property and/or making and granting extra or family allowances pursuant to article one, chapter five, title eleven, part three of the Code of Civil Procedure.

(2) When the transfer is by will or intestate laws of property within this state and the decedent was a nonresident of the state at the time of his death, or by any order of court setting apart property and/or making and granting extra or family allowances pursuant to article one, chapter five, title eleven, part three of the Code of Civil Procedure.

(3) When the transfer is of property made by a resident, or by a nonresident when such nonresident's property is within this state, by deed, grant, bargain, sale, assignment or gift, made without valuable and adequate consideration (i. e., a consideration equal in money or in money's worth to the full value of the property transferred):

(a) In contemplation of the death of the grantor, vendor, assignor or donor, or,

(b) 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.

"Contemplation of death."

(4) 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 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 testate or intestate laws.

Property held in joint names.

(5) Whenever property, real or personal, is held in the joint names of two or more persons, or is deposited in banks or other institutions or depositaries in the joint names of two or more persons and payable to either or the survivor, upon the death of one of such persons, the right of the surviving joint tenant or joint tenants, person or persons to the immediate ownership or possession and enjoyment of such property shall be deemed a transfer taxable under the provisions of this act in the same manner as though the whole property to which such transfer relates belonged absolutely to the deceased joint tenant or joint depositor and had been devised or bequeathed to the surviving joint tenant or joint tenants, person or persons, by such deceased joint tenant or joint depositor by will, excepting therefrom such part thereof as may be proved by the surviving joint tenant or joint tenants to have originally belonged to him or them and never to have belonged to the decedent.

Appointment deemed transfer.

(6) Whenever any person, trustee or corporation shall exercise a power of appointment derived from any disposition

of property made either before or after the passage of this act, such appointment when made, shall be deemed a transfer taxable under the provisions of this act, in the same manner as though the property to which such appointment relates belonged absolutely to the donee of such power, and had been bequeathed or devised by such donee by will; and whenever any person, trustee or corporation possessing such power of appointment so derived shall omit or fail to exercise the same within the time provided therefor, in whole or in part, a transfer taxable under the provisions of this act shall be deemed to take place to the extent of such omission or failure, in the same manner as though the persons, trustees, or corporations thereby becoming entitled to the possession or enjoyment of the property to which such power related had succeeded thereto by a will of the donee of the power failing to exercise such power, taking effect at the time of such omission or failure.

(7) 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.

Bequest exceeding reasonable compensation.

(8) 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.

Charge terminable by death.

(9) When more than one transfer, within the meaning of any of the preceding subdivisions of this section has been made, either before or after the passage of this act, by a decedent to one person, the tax shall be imposed upon the aggregate market value of all of the property so transferred to such person in the same manner and to the same extent as if all of the property so transferred were actually transferred by one transfer.

Tax on aggregate market value.

(10) In determining the market value of the property transferred, the following deductions and no others shall be made from the appraised value thereof:

Deductions from appraised value.

- (a) Debts of decedent owing at date of death;
- (b) Expenses of funeral and last illness;
- (c) All state, county, and municipal taxes which are a lien against said property at the date of death;

(d) The ordinary expenses of administration, including the ordinary fees allowed executors and administrators and the ordinary fees of their attorneys under the provisions of sections one thousand six hundred eighteen and one thousand six hundred nineteen of the Code of Civil Procedure of California;

(e) The amount due or paid the government of the United States as a federal inheritance or estate tax; *provided, however*, that the amount of such tax allowable herein as a deduction shall be limited to a computation thereof (commencing at the primary rates) made by the acting state inheritance tax appraiser upon his own valuations of that portion of such property only, the transfer of which is taxable under the provisions of this act, by applying to such valuations the exemptions and rates of the federal inheritance or estate tax in force at the date of such transfer;

(f) The amount due or paid any state or states of the United States (excepting California) as a state inheritance, succession or transfer tax; *provided, however*, that the amount of such tax allowable herein as a deduction shall be limited to a computation thereof (commencing at the primary rates) made by the acting state inheritance tax appraiser upon his own valuations of that portion of such property only, the transfer of which is taxable under the provisions of this act, by applying to such valuations the exemptions and rates of such state inheritance, succession or transfer tax in force at the date of such transfer.

Stats. 1931,
p. 1503,
amended.

SEC. 3. A new section is hereby added to said inheritance tax act, to be numbered two and one-half, and to read as follows:

Stock in
California
corporation
held by
nonresident
decedents.

Sec. 2½. (1) All shares of stock in corporations organized under the laws of this state and any interest therein or income therefrom, in trust or otherwise, belonging to persons whose domicile is without the state shall, upon the death of the owner, be subject to a tax of two per centum of its actual value upon its transfer 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.

(2) The provisions of this act for the enforcement and collection of any other tax hereunder shall apply to the enforcement and collection of the above tax, and all interest charges and penalties provided for in this act shall apply also to the enforcement and collection of this tax.

(3) The provisions of section two pertaining to transfers in contemplation of death, transfers intended to take effect in possession or enjoyment at or after death and the provisions of subdivisions five, six, seven, eight and nine of said section two shall be applicable to the tax upon the transfer provided for by this section. The provisions of sections four, five and six and of subdivision ten of section two shall not be applicable to the tax provided for in this section.

(4) If this section is for any reason held to be unconstitutional, such decision shall not effect the validity of any portion or portions of this act in force at the time of the enactment of this section.

CHAPTER 285.

An act to amend sections seventeen, twenty-three, thirty, and thirty-two of the "state housing act," approved June 15, 1923, relating to dwellings and areas of courts and window area and height of rooms.

[Approved by the Governor May 25, 1925.]

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

SECTION 1. Section seventeen of the "state housing act," approved June 15, 1923, is hereby amended to read as follows: Stats. 1923, p. 797, amended.

Sec. 17. Where an apartment house or hotel is now or hereafter erected upon a lot other than a corner lot no other structure of any character or kind for any use shall hereafter be placed on the front or the rear of such lot unless the minimum distance between such buildings shall be at least twenty feet, and two additional feet shall be added to such minimum distance of twenty feet for every story more than two in height of the highest building on such lot; *provided, however,* that the provisions of this section shall not apply when dwellings only are on or to be placed or erected on said lot; *provided, further,* that a building not more than one story in height to be used as a garage for the sole use of the occupants of the apartment house erected on the same lot, may be erected in the rear of an apartment house less than twenty feet distant from the apartment house provided said garage building does not encroach upon or occupy any portion of the lot required to be used or left vacant for use as a rear yard. Distance between building¹.

SEC. 2. Section twenty-three of said act is hereby amended to read as follows: Stats. 1923, p. 799, amended.

Sec. 23. The inner courts of all apartment houses hereafter erected shall have minimum areas and minimum widths in all parts not less than the areas and widths contained in the following table: Inner courts of apartment houses.

Height of building in stories based on the full number of stories in the building measured upwards from and including the lowest story in which there is an apartment or apartments	Minimum width of inner court in every part	Minimum area of inner court in square feet
2 stories.....	6 feet	75 square feet
3 stories.....	7 feet	120 square feet
4 stories.....	9 feet	160 square feet
5 stories.....	12 feet	250 square feet
6 stories.....	16 feet	400 square feet
7 stories.....	20 feet	625 square feet
8 stories or more.....	24 feet	840 square feet

Provided, however, in apartment houses the minimum size of inner courts bounded on one side for their entire length by

a lot line shall be not less than of the minimum areas and minimum widths contained in the following table:

Height of building in stories based on the full number of stories in the building measured upwards from and including the lowest story in which there is an apartment or apartments	Minimum width of inner court in every part	Minimum area of inner court in square feet
2 stories-----	5 feet	60 square feet
3 stories-----	6 feet	120 square feet
4 stories-----	7 feet	175 square feet
5 stories-----	9 feet	225 square feet
6 stories-----	12 feet	360 square feet
7 stories-----	15 feet	525 square feet
8 stories or more-----	18 feet	630 square feet

Any inner court, including inner courts one entire side of which is bounded by a lot line, for an apartment house hereafter erected, designed and built to accommodate not more than two families above the first story thereof, may be reduced one foot in its width from the widths hereinbefore prescribed, and every such inner court shall contain an area of not less than sixty square feet.

Every inner court and vent shaft in apartment houses hereafter erected and every inner court in any apartment house or hotel shall be provided with a door or window at or near the bottom thereof, giving sufficient access to such court or vent shaft as to enable it to be properly cleaned out. Inner courts for dwellings shall be not less in width and area than hereinbefore provided for outer courts and shall contain an area of not less than forty square feet.

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

Sec. 30. In every apartment in every apartment house hereafter erected there shall be at least one room that contains not less than one hundred twenty square feet of superficial floor area, and every other room shall contain not less than ninety square feet of superficial floor area.

In every hotel hereafter erected each guest room shall contain not less than ninety square feet of superficial floor area; *provided, however,* that guest rooms in hotels may contain a superficial floor area of less than ninety square feet and not less than seventy square feet provided that the required aggregate window area in each such room be not less than sixteen square feet; *and provided, further,* that any such guest room which contains a superficial floor area of less than ninety square feet shall not be occupied or designed for occupancy by more than one person for living or sleeping purposes. In every dwelling hereafter erected each room therein designed, built or intended for use of sleeping purposes, shall contain not less than eighty square feet of superficial floor area and every such room shall be designed so that the minimum width shall not be less than seven feet at any point within that portion of the room counted for computing the minimum area of eighty square feet.

Every kitchen in an apartment house hereafter erected shall contain not less than fifty square feet of superficial floor area.

Stats. 1923,
p. 802,
amended.
Superficial
floor area.

Guest rooms.

Kitchen.

In every apartment house or hotel hereafter erected, every room shall have a ceiling height of not less than nine feet, measured from the finished floor to the finished ceiling; and in every dwelling hereafter erected, every room shall have a ceiling height of not less than eight feet measured from the finished floor to the finished ceiling. The minimum width of every room in an apartment house or hotel hereafter erected shall be not less than seven feet at any point within that portion of the room counted for computing the minimum allowable area of such room. Attic rooms and rooms where sloping ceilings occur need only have the prescribed ceiling heights in not less than one-half of the area of the room. The foregoing provisions of this section shall not apply to water-closet, bath or slop-sink compartments, nor to closets, recesses from rooms and dressing rooms, nor shall the minimum width of rooms apply to kitchens.

Ceiling, height and width.

Every water-closet compartment in every building hereafter erected, shall be not less than thirty inches in clear width, and every such water-closet compartment, bath or slop-sink compartment, closet and recess from a room shall have a ceiling height of not less than seven feet and six inches, measured from the finished floor to the finished ceiling. In every apartment house designed and built to accommodate three or more families above the first story thereof and hotel hereafter erected, every closet, recess from a room or dressing room, which contains more than twenty-five square feet of superficial floor area (built-in dressers, clothes presses and similar features which are a substantial part of the structure shall not be deemed to be a part of the floor area of a closet, recess from a room or dressing room) shall conform to all of the provisions of this act for rooms and shall contain not less than the minimum allowable superficial floor area.

Water-closets, etc.

No part of any room in any apartment house or hotel shall hereafter be enclosed or subdivided, wholly or in part, by a curtain, portiere, fixed or movable partition, or other contrivance or device, for any purpose contrary to any of the provisions of this act.

Division of room.

Entertainment, amusement, or reception rooms hereafter constructed, altered or converted, in an apartment house or hotel shall conform to the provision of section thirty-two of this act.

Entertainment rooms.

Dormitories hereafter constructed, altered or converted in any building shall conform to the provisions of section sixty-two of this act.

Dormitories.

In apartment houses and hotels of three or more stories in height hereafter erected, except where in this act otherwise provided, all partitions shall be well-plastered partitions.

Partitions.

SEC. 4. Section thirty-two of said act is hereby amended to read as follows:

Stats. 1923, p. 304, amended.

Sec. 32. Every room in every apartment house hereafter erected; and every room, kitchen, scullery, pantry or other

Window area.

room in which food is stored or prepared, and general utility room, in every hotel hereafter erected; and every room used for living and sleeping purposes and every kitchen in every dwelling hereafter erected, shall have one or more windows the total area of which shall be at least one-eighth of the superficial floor area of the room or compartment such window or windows are designed to serve, and in no event shall the aggregate window area in a room be less than twelve square feet, and in rooms in an apartment house or hotel no single window shall be less than six square feet in area, except as herein otherwise provided.

Bath room,
etc.

In every dwelling hereafter erected the window area in a water-closet compartment, bath, toilet, or shower room, shall be not less than three square feet, and in an apartment house or hotel the aggregate area of windows for each such compartment or room shall be not less than six square feet, and in each such compartment or room containing more than one water-closet, bath, or urinal, the aggregate window area shall be equivalent to three square feet for each water-closet, bath or urinal therein, except that at no time need the aggregate window area exceed one-fourth of the superficial floor area of such compartment or room.

Entertain-
ment, recep-
tion and
dining
rooms.

In every apartment house, hotel or dwelling hereafter erected, the total window area in each room used or intended or designed to be used for the purpose of amusement, entertainment, reception room, public dining room or any room used for similar purposes, which room has a superficial floor area not exceeding one hundred eighty square feet, shall be at least one-eighth of the superficial floor area of such room. Every such room which has a superficial floor area exceeding one hundred eighty square feet shall have an aggregate window area not less than that required for a room of one hundred eighty square feet of superficial floor area.

Every such amusement, entertainment, or reception room, or public dining room, or room used for similar purposes, shall have a minimum height between the finished floor and the finished ceiling of not less than nine feet in hotels and apartment houses and eight feet in dwellings. No such room or part thereof shall be used for sleeping apartments, except that said room or part thereof complies with all of the other provisions of this act, for sleeping rooms.

All measurements for window area shall be taken to the outside of the sash.

CHAPTER 286.

An act to amend section four hundred seventy-two of the Political Code, relating to the duties of the attorney general and the appointment of assistants and deputies in such office, by prescribing the number and fixing the salaries of such assistants and deputies; and making a supplemental appropriation to be applied toward the payment of such salaries during the seventy-seventh and seventy-eighth fiscal years.

[Approved by the Governor May 22, 1925.]

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

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

472. The attorney general may appoint one assistant, one chief deputy and fourteen additional deputies, who shall be civil executive officers. The annual salary of the assistant shall be four thousand five hundred dollars; the annual salary of the chief deputy shall be four thousand five hundred dollars; the annual salary of two of such additional deputies shall be four thousand five hundred dollars; the annual salary of three of such additional deputies shall be four thousand dollars; the annual salary of six of such additional deputies shall be three thousand six hundred dollars each; the annual salary of two of such additional deputies shall be three thousand three hundred dollars each, and the annual salary of one of such additional deputies shall be three thousand dollars. Said salaries shall be paid at the time and in the same manner as the salaries of other state officers.

Assistants
and deputies

The attorney general shall not employ special counsel in any case except those provided in section four hundred seventy-four of the Political Code.

Special
counsel.

The attorney general shall have charge, as attorney, of all legal matters in which the state is in anywise interested, except the business of the regents of the University of California and of the state harbor commissioners, 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

Additional
duties.

from conducting any criminal prosecution within such county, the attorney general may employ special counsel to conduct such prosecution, and the attorney's fee in such case shall be a legal charge against the state; *provided, further*, that nothing herein contained shall be construed to prevent or deny the right of any board, officer, or officers or employee of the state to employ or engage counsel in any matter of the state, after first having obtained the written consent so to do of the attorney general.

Special
appropriation.

SEC. 2. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of twenty-three thousand four hundred dollars, to supplement the budget bill appropriation for salaries for the office of the attorney general for the seventy-seventh and seventy-eighth fiscal years, and to be applied toward the payment of such salaries during said years.

CHAPTER 287.

An act to amend section one hundred twenty-nine of the Civil Code, relating to the domicile and place of residence of the parties in an action for divorce.

[Approved by the Governor May 22, 1925.]

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

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

Domicile
and
residence.

129. In actions for divorce neither the domicile nor residence of the husband shall be deemed to be the domicile or residence of the wife. For the purpose of such an action each may have a separate domicile or residence depending upon proof of the fact and not upon legal presumptions.

CHAPTER 288.

An act appropriating money for the erection and construction of buildings and improvements at the San Jose State Teachers College.

[Approved by the Governor May 22, 1925.]

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

Appropriation:
San Jose
Teachers
College im-
provements.

SECTION 1. The sum of ten thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be expended under the direction of the board of control according to law, for the construction and erection of buildings and improvements at the San Jose State Teachers College.

CHAPTER 289.

An act appropriating money for the purchase and improvement of land for the San Jose State Teachers College.

[Approved by the Governor May 22, 1925.]

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 expended under the direction of the board of control according to law, for the purchase and improvement of land for the use of the San Jose State Teachers College.

Appropriation: land for San Jose Teachers College.

CHAPTER 290.

An act to amend section one thousand seventy-six of the Penal Code, relating to challenges of jurors in criminal cases.

[Approved by the Governor May 22, 1925.]

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

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

1076. In a challenge for implied bias, one or more of the causes stated in section one thousand seventy-four must be alleged. In a challenge for actual bias, the cause stated in the second subdivision of section one thousand seventy-three must be alleged; but no person shall be disqualified as a juror by reason of having formed or expressed an opinion upon the matter or cause to be submitted to such jury, founded upon public rumor, statements in public journals, circulars, or other literature, or common notoriety; *provided*, it appear to the court, upon his declaration, under oath or otherwise, that he can and will, notwithstanding such an opinion, act impartially and fairly upon the matters to be submitted to him. The challenge may be oral, but must be entered in the minutes of the court or of the phonographic reporter.

Alleging cause of challenge.

CHAPTER 291.

An act to add a new section to the Penal Code to be numbered six hundred forty a, for the prevention of the fraudulent operation of slot machines or coin receptacles, or making or furnishing devices to defraud owners of the same, and prescribing penalties for the violation of the provisions thereof.

[Approved by the Governor May 22, 1925.]

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

SECTION 1. A new section is hereby added to the Penal Code, to be numbered six hundred forty a, and to read as follows:

Misuse
of slot
machines,
etc.

640a. 1. Any person who shall knowingly and wilfully operate, or cause to be operated, or who shall attempt to operate, or attempt to cause to be operated, any automatic vending machine, slot machine, coin-box telephone or other receptacle designed to receive lawful coin of the United States of America in connection with the sale, use or enjoyment of property or service, by means of a slug or any false, counterfeited, mutilated, sweated or foreign coin, or by any means, method, trick or device whatsoever not lawfully authorized by the owner, lessee or licensee of such machine, coin-box telephone or receptacle, or who shall take, obtain or receive from or in connection with any automatic vending machine, slot machine, coin-box telephone or other receptacle designed to receive lawful coin of the United States of America in connection with the sale, use or enjoyment of property or service, any goods, wares, merchandise, gas, electric current, article of value, or the use or enjoyment of any telephone or telegraph facilities or service, or of any musical instrument, phonograph or other property, without depositing in and surrendering to such machine, coin-box telephone or receptacle lawful coin of the United States of America to the amount required therefor by the owner, lessee or licensee of such machine, coin-box telephone or receptacle, shall be guilty of a misdemeanor.

2. Any person who, with intent to cheat or defraud the owner, lessee, licensee or other person entitled to the contents of any automatic vending machine, slot machine, coin-box telephone or other receptacle, depository or contrivance designed to receive lawful coin of the United States of America in connection with the sale, use or enjoyment of property or service, or who, knowing or having cause to believe that the same is intended for unlawful use, shall manufacture for sale, or sell or give away any slug, device or substance whatsoever intended or calculated to be placed or deposited in any such automatic vending machine, slot machine, coin-box telephone or other such receptacle, depository or contrivance, shall be guilty of a misdemeanor.

CHAPTER 292.

An act to amend section twenty-three of an act entitled "An act to provide for the incorporation and organization and management of municipal water districts, and to provide for the acquisition or construction by said districts of water works and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts," approved May 1, 1911, as amended, relating to powers of municipal water districts to levy tax to meet deficiencies.

[Approved by the Governor May 22, 1925.]

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

Stats. 1911,
p. 1301,
amended.

SECTION 1. Section twenty-three of an act entitled "An act to provide for the incorporation and organization and

management of municipal water districts, and to provide for the acquisition or construction by said districts 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 May 1, 1911, as amended, is hereby amended to read as follows:

Sec. 23. If the revenues of the district are or in the judgment of the board of directors will probably be inadequate for any cause to pay the principal or interest on any bonded debt of the district as it becomes due, the board of directors must cause a tax to be levied, as herein provided, sufficient to provide for such deficit and to pay the amount of such principal and interest as the same becomes due.

Tax levy to pay principal and interest.

CHAPTER 293.

An act making an appropriation for the repair and alteration of the east wing of the state exposition building at Exposition Park, Los Angeles.

[Approved by the Governor May 22, 1925.]

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 thirty thousand dollars to be expended by the department of public works for the repair and alteration of the east wing of the state exposition building at Exposition Park, Los Angeles.

Appropriation: repairs at Exposition Park, Los Angeles.

CHAPTER 294.

An act to amend section six of an act entitled "An act to protect domestic live stock from contagious and infectious diseases, to prescribe the duties of officials to carry into effect the provisions of this act, to provide for the appointment of a veterinarian, and to repeal an act entitled 'An act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this act, and to provide an appropriation therefor,' approved March 18, 1899, as amended," approved June 3, 1921, and to add two new sections to be numbered four a and seven respectively, relating to the control and eradication of certain destructive infectious diseases of animals whenever discovered in this state; providing for the payment for animals and property destroyed in order

to suppress certain destructive infectious diseases; providing for penalties for violation of the provisions of this act, and declaring the urgency of said act.

[Approved by the Governor May 22, 1925.]

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

Stats. 1921,
p. 1184,
amended.

SECTION 1. A new section is hereby added to an act entitled "An act to protect domestic live stock from contagious and infectious diseases, to prescribe the duties of officials to carry into effect the provisions of this act, to provide for the appointment of a veterinarian, and to repeal an act entitled 'An act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this act and to provide an appropriation therefor,' approved March 18, 1899, as amended," approved June 3, 1921, to be numbered section four *a* and to read as follows:

Suppression
of foot
and mouth
disease, etc.

Sec. 4a. Whenever any of the destructive infectious diseases of animals known as foot and mouth disease, rinderpest, surra, or contagious pleuropneumonia are discovered in the State of California it shall be the duty of the director of agriculture to take suitable measures to suppress the same promptly and to prevent the spread thereof; and for this purpose the said director is hereby empowered and it shall be his duty to ascertain, fix and proclaim the boundaries of a quarantine district or area wherein such disease exists or has existed and to establish, proclaim and maintain a quarantine of such district or area and of all animals therein, and to forbid, prevent or restrict the movement of all animals from or into such district or area or from place to place therein, during the existence of such quarantine. He is hereby further authorized and empowered, whenever in his judgment such action shall be necessary to make such quarantine effective, to regulate, restrict or restrain the movements of persons, vehicles, farm equipment, farm and dairy products and other materials from or into such quarantine district or area, or from place to place therein, during the existence of such quarantine; *provided, however,* that, under such precautions and safeguards as he shall deem proper, he may authorize the continuance of traffic over and along any roads or highways traversing such quarantine district or area and may impose as a condition thereto that no person or vehicle permitted to travel on any such road or highway shall depart from such road or highway while within such quarantined district or area. He is also hereby further authorized and empowered to order all animals within such quarantined district or area to be detained for purposes of examination or inspection at any place or places specified by him in such order, and to cause to be destroyed all animals which may be found therein affected with any such disease, and of all animals found therein which have been so exposed thereto as to be dangerous to themselves or other animals, and to require a proper disposal

to be made of the hides and carcasses of all animals so destroyed. He is also hereby further authorized and empowered to prescribe, promulgate and enforce all necessary rules and regulations for cleaning and disinfecting any premises where such disease exists or has existed, and such other regulations as he may deem necessary to eradicate such disease and to prevent the dissemination thereof. When, however, any animals or property are destroyed under the provisions of section four *a* of this act the owner thereof shall be paid for same an amount of money to be determined by appraisers hereinafter provided for; *provided, however*, that the payment for said animals or property by the State of California shall be conditioned on the government of the United States sharing equally in said payment. The value of such animals or property prior to their destruction shall be determined by an appraiser appointed by the director of agriculture who shall make the appraisal in cooperation with an appraiser appointed by the chief of the bureau of animal industry of the United States Department of Agriculture.

Damages.

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

Stats. 1921,
p. 1165,
amended.

Sec. 6. Any person who shall remove or cause to be removed any animal from within the boundaries of any quarantined district, area or premises established under the authority of this act, except upon the conditions herein prescribed, or who shall, without authority, bring or cause to be brought any animal into any such quarantined district, area or premises, or who shall move or cause to be moved any animal from place to place within any such quarantined district, area or premises, except by the direction or permission of the director of agriculture or his authorized representative in charge, or who shall resist the destruction of any animal suffering from or exposed to any of the diseases specified in section four *a* hereof, or who shall hide or secrete any such animal to prevent the destruction thereof, or who shall fail or refuse to dispose of the hide or carcass of any animal destroyed pursuant to the provisions of said section, when directed or required so to do by the director of agriculture or his authorized representative in charge, or who shall fail or refuse to clean or disinfect any premises whereon any such disease exists or has existed, when directed so to do as aforesaid, or who violates any quarantine order regulating, restricting or restraining the movements of persons, vehicles, farm equipment, farm and dairy products into or from any such quarantined district, area or premises, or from place to place within the same, or who shall violate the conditions of any permit authorizing the grantee or grantees thereof to travel upon any road or highway within any such quarantined district, area or premises, or who shall violate any of the remaining 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 or more than five hun-

Misdemeanors.

Penalty.

dred dollars, or by imprisonment in the county jail for a period not exceeding six months, or by both such fine and imprisonment.

Stats. 1921,
p. 1165,
amended.

Urgency
measure.

SEC. 3. A new section is hereby added to said act to be numbered section seven and to read as follows:

SEC. 7. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section one of article four of the constitution of the State of California, and shall take effect immediately.

The facts constituting such urgency are as follows:

Foot and mouth disease exists among the deer in the Stanislaus national forest and until it is completely eradicated it is liable to be transmitted to domestic animals from time to time. If any legal obstacles prevent the maintenance of adequate quarantines or the destruction of infected animals the disease will spread among other animals to such an extent as to cause serious injury to the live stock industry of this state. Such a condition would also result in severe injury to general business from the establishment of embargoes by other states.

CHAPTER 295.

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

[Approved by the Governor May 22, 1925.]

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

Stats. 1923,
p. 627,
amended.

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

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

SEC. 39. The board of directors shall then, within fifteen days after the close of its session as a board of equalization, levy an assessment upon the lands within the district in an amount sufficient to raise the interest due or that will become due on all outstanding bonds of the district on the first day of the next ensuing January and the first day of the next ensuing July, or that the board of directors believes will become due on either or both of said dates, on bonds authorized but not sold; also sufficient to pay the principal of all bonds of the district that have matured or that will mature before the close of the next ensuing calendar year; also suf-

ficient to pay in full all sums due or that will become due from the district before the close of the next ensuing calendar year on account of rentals, or charges for lands, water or water rights acquired by said district under lease or contract; also sufficient to pay in full all sums due or that will become due from the district, before the close of the next ensuing calendar year on account of contracts entered into by the district for power or fuel used or to be used for the pumping of water for the irrigation of land within the district; *provided*, the payment of the cost of such power or fuel has not been provided for by the levying of tolls or charges for the use of water or otherwise; also sufficient to pay in full the amount of all unpaid warrants of the district issued in accordance with this act and the amount of any other contracts or obligations of the district which shall have been reduced to judgment; also sufficient to raise such amount not exceeding two per centum of the aggregate value of the lands within the district according to the latest duly equalized assessment roll thereof, as the board of directors shall determine may be needed to be raised by assessment for any of the purposes of this act. The board of directors may also include in any annual assessment such an amount as it may deem proper, not exceeding one per centum of the total assessed value of the land in the district, to be apportioned to the bond fund and to be used as provided in section fifty-two of this act, for the redemption of immatured bonds of the district or for the creation of a sinking fund to pay any of such bonds as they become due; *provided, however*, that notwithstanding any provision of this act or any act amendatory hereof, or supplementary hereto, the board of directors may in lieu, either in whole or in part, of levying the annual assessment for the payment of interest on or principal of bonds, or for any other purposes of this act, use any income or revenue of the district derived from the sale of electric power or from the sale or lease of water or the use of water for power purposes.

CHAPTER 296.

An act to amend section seven of an act entitled "An act to provide for the acceptance of the provisions and benefits of an act passed by the senate and the house of representatives of the United States of America, in congress assembled, to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise; to empower and direct the board designated as the state board for vocational education to cooperate with the federal board for vocational education in carrying out the provisions of said federal act; to prescribe its powers and duties in carrying out the provisions of this act; to provide for a plan of cooperation between the state board for vocational education and the industrial accident commission; to provide

for the appointment of a custodian of all moneys received by the state from appropriations made by the congress of the United States and from other sources for the purpose of promoting vocational rehabilitation; to create a vocational rehabilitation fund and making an appropriation therefor," approved June 3, 1921, relating to appropriation for vocational rehabilitation.

[Approved by the Governor May 22, 1925.]

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

Stats. 1921,
p. 1310,
amended.

SECTION 1. Section seven of an act entitled "An act to provide for the acceptance of the provisions and benefits of an act passed by the senate and the house of representatives of the United States of America, in congress assembled, to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise; to empower and direct the board designated as the state board for vocational education to cooperate with the federal board for vocational education in carrying out the provisions of said federal act; to prescribe its powers and duties in carrying out the provisions of this act; to provide for a plan of cooperation between the state board for vocational education and the industrial accident commission; to provide for the appointment of a custodian of all moneys received by the state from appropriations made by the congress of the United States and from other sources for the purpose of promoting vocational rehabilitation; to create a vocational rehabilitation fund and making an appropriation therefor," is hereby amended to read as follows:

Annual
appropriation.

Sec. 7. For each fiscal year, beginning with the fiscal year beginning July 1, 1925, the sum of thirty-five thousand dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated to be used in whole or in part by the state board of education for the purpose of carrying out the provisions of this act. All such expenditures shall be subject to the approval and audit of the board of control.

CHAPTER 297.

An act to amend section four hundred sixty-four of the Penal Code, relating to burglary with acetylene torch, electric arc or explosives.

[Approved by the Governor May 22, 1925.]

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

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

Burglary
with
explosives.

464. Any person who, with intent to commit crime, breaks and enters, either by day or by night, any building, whether inhabited or not, and opens or attempts to open any vault, safe, or other secure place by use of acetylene torch or electric

are or nitroglycerine, dynamite, gunpowder, or any other explosive, is guilty of burglary with explosives.

Any person duly convicted of burglary with explosives shall be deemed to be guilty of a felony and shall be punished by imprisonment in the state prison for a term of not less than ten years nor more than forty years.

CHAPTER 298.

An act to cure defects in maps or plats filed for record prior to April first, one thousand nine hundred twenty-five, and in deeds or conveyances referring to such maps.

[Approved by the Governor May 22, 1925.]

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

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

Validation
of maps and
plats, and
references
thereto in
conveyances.

CHAPTER 299.

An act to provide for the growing of one variety or species of cotton, to wit, Acala, in certain prescribed and defined districts in the State of California; to prohibit the picking or harvesting of any variety or species of cotton other than that known as Acala in such districts; to prohibit the possession within such district for the purpose of

planting any seeds or plants of any variety of species of cotton other than that known as Acala in such districts; to prohibit the ginning of any variety or species of cotton other than that known as Acala in such district; defining such districts; and fixing the penalty for a violation of this act.

[Approved by the Governor May 22, 1925.]

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

Purposes of act; and advantages of restrictions upon planting and growing of cotton.

SECTION 1. The legislature hereby declares that the purposes of this act are to promote, encourage, aid, and protect the planting and growing of cotton in the State of California; that it believes this purpose best can be accomplished by restricting within certain areas hereafter defined the planting and growing of but one variety or species of cotton, to wit: "Acala"; that by this means alone is it possible to bring the cotton growing industry in the state to its highest possible development and to insure the growing of the most superior and economically most profitable variety or species of cotton; that the planting of pure seed is essential to the production of a more merchantable and better grade of cotton and cotton seed and for the production of a grade of fibre best suited for manufacturing purposes; that the planting of impure seed or plants other than that permitted in the areas hereinafter defined is an economical harm and loss to the planter thereof and an irreparable injury to the adjoining or neighboring growers; that the restriction of the use to which cotton lands may be used, as provided in this act, is essential to the highest development of the cotton growing industry and of benefit even to one who would violate the provisions of this act; that it is essential that but one variety of cotton should be ginned in the districts in this act defined, otherwise the gin will mix the different kinds of seed, crossing takes place in the fields, the varieties are mongrelized, and cease to be uniform, the fibre deteriorates in quality, and the seed rendered unfit for planting; that solely by restricting the growing of one variety or species of cotton in certain areas can the fibre be grown of uniform length and quality, and the highest price paid for the cotton thus obtained, and the production of fibre of different lengths or grades be prevented; that fibres of different lengths and grades are commercially inferior and when assembled in one lot or grade are classed and given the value of the lowest grade in the lot or sample; that Acala cotton is now the variety or species of cotton that has been most highly developed and improved and most suited commercially for growing in the districts in this act defined; that if future experiments should develop an improved variety or species of cotton, this bill can be amended to designate it; and that the districts in this act defined can be altered, restricted or extended.

SEC. 2. This act shall be so interpreted and construed as not to be considered the taking of private property without due process of law; nor disturbing the owner in the control or use of his land for lawful purposes; nor restricting his right to dispose thereof, but as a declaration by the legislature that its use for the purposes herein forbidden is prejudicial to the public interests and an economical loss to the state and an irreparable loss and injury to the cotton growers. Construction of act.

SEC. 3. In the districts in this act defined, it shall be unlawful to plant any seeds or plants of any variety or species of cotton other than the seeds or plants of that variety or species known as "Acala." Planting of cotton.

SEC. 4. It shall be unlawful in the districts in this act defined to pick or harvest cotton of any variety or species other than that known as "Acala." Picking of cotton.

SEC. 5. It shall be unlawful for any person, individual, copartnership, association, firm or corporation, or agent or employee thereof, to have in his or its possession within the districts in this act defined for the purpose of planting any seeds or plants of any variety or species of cotton other than that known as Acala. Possession of cotton seed or plants.

SEC. 6. It shall be unlawful for any gin located or operating in any one of the districts in this act defined to gin any variety or species of cotton other than that known as "Acala." Ginning of cotton.

SEC. 7. District number one shall consist of the county of Riverside; district number two shall consist of the county of Kern; district number three shall consist of the county of Madera; district number four shall consist of the county of Fresno; district number five shall consist of the county of Kings; district number six shall consist of the county of Tulare; district number seven shall consist of the county of Merced; district number eight shall consist of the county of Stanislaus; district number nine shall consist of the county of San Joaquin. Districts.

SEC. 8. Any person, individual, copartnership, association, firm, corporation, agent or employee, who or which shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and, in addition thereto, shall be liable in a civil action for all damages that may be occasioned or caused by a violation of this act. Penalties.

SEC. 9. If any clause, sentence, paragraph or part of this act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered. The legislature hereby declares that it would have passed this act irrespective of the fact that any clause, sentence, paragraph, or part thereof be declared unconstitutional. Constitutionality.

SEC. 10. That this act shall not apply to the planting or growing of cotton in the experimental stations or farms con- Act not applicable to, what.

ducted by the United States government; the State of California; nor to the transportation of seed or plants by interstate or intrastate commerce, nor to seed in transit from a point without one of the districts in this act defined to a destination without such district; nor to the transportation of plants or seeds into one of the districts hereinafter defined for experimental or technical purposes by the United States department of agriculture, the department of agriculture of the State of California.

Repealed. SEC. 11. All acts and parts of acts in conflict herewith are hereby repealed.

CHAPTER 300.

An act to amend section twenty-nine of the "workmen's compensation, insurance and safety act of 1917," approved May 23, 1917, as amended, to permit the revocation of certificates of self-insurance, to make failure to secure the payment of compensation a misdemeanor, and to require employers to furnish the industrial accident commission with statements showing the name of their insurance carrier or how they have secured the payment of compensation.

[Approved by the Governor May 22, 1925.]

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

Stats. 1918,
p. 921,
amended.

SECTION 1. Section twenty-nine of the "workmen's compensation, insurance and safety act of 1917," approved May 23, 1917, as amended, is hereby amended to read as follows:

Ways for
securing
payment of
compensation.

Sec. 29. (a) Every employer as defined in section seven hereof, except the state and all political subdivisions or institutions thereof, shall secure the payment of compensation in one or more of the following ways:

1. By insuring and keeping insured against liability to pay compensation in one or more insurance carriers duly authorized to write compensation insurance in this state.

2. By securing from the commission a certificate of consent to self-insure, which may be given upon his furnishing proof satisfactory to the commission of ability to carry his own insurance and pay any compensation that may become due to his employees, the commission may, in its discretion, require such employer to deposit with the state treasurer a bond or securities, but not both a bond and securities, approved by the commission, in an amount to be determined by the commission. Such certificate may be revoked at any time for good cause shown after hearing had, such good cause including among other things, the impairment of the solvency of said employer, the practice by such employer or his agent in charge of the administration of its obligations under the workmen's compensation act of any of the acts denounced by sections 596 (b) or 633 of the Political Code, with respect to the conduct of insurance companies, their officers or agents. So long as

the certificate of consent to self-insure has not been revoked, and the self-insurer has deposited with the state treasurer such bond or securities, the self-insurer shall not be required or obliged to pay into the state compensation insurance fund any sums covering liability for compensation, excepting life pensions; but shall be permitted, and such permission is hereby given the self-insurer, to fully administer any and all such compensation benefits assessed against the said insurer.

(b) If any employer shall fail so to secure the payment of compensation, any injured employee or his dependents may proceed against such employer by filing an application for compensation with the commission, and, in addition thereto, such injured employee or his dependents may bring an action at law against such employer for damages, the same as if this act did not apply, and shall be entitled in such action to the right to attach the property of the employer, at any time upon or after the institution of such action, in an amount to be fixed by the court, to secure the payment of any judgment which may ultimately be obtained. Such judgment shall include a reasonable attorney's fee to be fixed by the court. The provisions of the Code of Civil Procedure, except in so far as they may be inconsistent with this act, shall govern the issuance of and proceedings upon such attachment; *provided*, that if as a result of such action for damages a judgment is obtained against such employer in excess of the compensation awarded under this act, the compensation awarded by the commission, if paid, or if security approved by the court be given for its payment, shall be credited upon such judgment; *provided further*, that in such action it shall be presumed that the injury to the employee was a direct result and grew out of the negligence of the employer, and the burden of proof shall rest upon the employer to rebut the presumption of negligence. In such proceeding it shall not be a defense to the employer that the employee may have been guilty of contributory negligence, or assumed the risk of the hazard complained of, or that the injury was caused by the negligence of a fellow servant. No contract, rule or regulation shall be allowed to restore to the employer any of the foregoing defenses.

Proceedings following failure to compensate.

(c) Failure to secure the payment of compensation as hereinbefore provided shall constitute a misdemeanor, punishable by a fine of not more than five hundred dollars or by imprisonment for not more than six months, or by both.

Penalty.

(d) The commission may require any employer to furnish a written statement at any time showing the name of his insurance carrier or the manner in which the employer has complied with the provisions of this section. Failure of the employer for a period of ten days to furnish such written statement shall constitute presumptive evidence that such employer has failed or neglected in respect to the matters so required.

Employer to furnish statements.

CHAPTER 301.

An act to amend sections one and eight of an act entitled "An act to provide for the organization and government of public cemetery districts," approved June 1, 1921, relating to cemetery districts.

[Approved by the Governor May 22, 1925.]

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

Stats. 1921,
p. 1103,
amended.

SECTION 1. Section one of the act entitled "An act to provide for the organization and government of public cemetery districts," approved June 1, 1921, is hereby amended to read as follows:

Petition for
public
cemetery
district.

Section 1. Whenever a petition, signed by not less than fifty citizen owners of land located within the proposed district, whose names appear as such owners of land upon the last completed assessment roll of the county in which a majority of the acreage of said proposed district is situated, which petition shall definitely describe the boundaries of the proposed district and request that the territory within said boundaries be organized into a public cemetery district, shall be presented to the board of supervisors of the county in which a majority of the acreage of said proposed district is situated, at a regular or special meeting of said board, the said board of supervisors, by resolution, shall fix a time for the hearing of said petition at not less than two nor more than five weeks from the time of presentation thereof, and shall cause notice to be given of the time and place of said hearing, by publication in some newspaper of general circulation, printed and published in said county, for not less than two weeks prior to the time of said hearing. The petition may consist of any number of separate instruments, which shall be duplicates, except as to signatures thereto. The said notice shall contain a copy of said petition, but the names attached to the petition need not be included in said notice or publication. Said notice shall state that any person residing in or owning property within said proposed district may appear before said board at the hearing of said petition, and show cause why the said petition should not be granted or the proposed boundaries of said district changed.

Stats. 1921,
p. 1104,
amended.

SEC. 2. Section eight of the act entitled "An act to provide for the organization and government of public cemetery districts," approved June 1, 1921, is hereby amended to read as follows:

Powers of
district.

Sec. 8. Said district may maintain a cemetery or cemeteries for the use of all inhabitants of the district, or may maintain and care for all public streets, alleys, ways, and places, in any cemetery within the said district, and for said purposes shall be capable of holding title to property, taking property by grant, gift, devise, lease, or any other method,

and of doing all acts necessary or proper for the carrying out of the purposes of this act, including the selling or leasing of burial lots. Said cemetery district may embrace contiguous lands in one or more counties.

CHAPTER 302.

An act making an appropriation for the purpose of paying interest due from the land settlement fund to the general fund in the state treasury.

[Approved by the Governor May 22, 1925.]

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

SECTION 1. The sum of three hundred 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, for the purpose of paying the interest now due and to become due up to and including June 30, 1925, from the land settlement fund to the general fund, upon those certain appropriations made in an act entitled "An act to amend an act entitled 'An act creating a state land settlement board and defining its powers and duties and making an appropriation in aid of its operations,' approved June 1, 1917, by amending sections two, four, nine, ten, eleven, fourteen, fifteen, eighteen, twenty, twenty-one, twenty-six, twenty-seven, twenty-eight, and twenty-nine thereof, and by adding a new section thereto to be numbered section twenty-two, and making an appropriation for the purpose of carrying out the provisions of said act," approved May 23, 1919; also in an act entitled "An act appropriating money to supplement the appropriation made by an act entitled 'An act to amend an act entitled "An act creating a state land settlement board and defining its powers and duties and making an appropriation in aid of its operations," approved June 1, 1917, by amending sections two, four, five, nine, ten, eleven, fourteen, fifteen, eighteen, twenty, twenty-one, twenty-five, twenty-seven, twenty-eight and twenty-nine thereof, and by adding a new section thereto to be numbered section twenty-two, and making an appropriation for the purpose of carrying out the provisions of said act,' approved May 23, 1919," approved January 24, 1921; also in an act entitled "An act making an appropriation for the purpose of carrying out the provisions of 'An act creating a state land settlement board and defining its powers and duties and making an appropriation in aid of its operations,' approved June 1, 1917, and any and all acts amendatory thereof or supplemental thereto," approved June 3, 1921.

Appropriation:
interest on
land settle-
ment funds.

CHAPTER 303.

An act to provide for the accomplishment of the work of the direct improvement of the navigation of the Sacramento, San Joaquin and Feather rivers of the State of California, by controlling the floods, removing the debris and continuing the improvement of the Sacramento river, California, in accordance with the plans of the California debris commission contained in the report of said commission submitted August 10, 1910, and transmitted to the speaker of the house of representatives of the United States by the secretary of war on June 27, 1911, and printed in house of representatives document number eighty-one of the first session of the sixty-second United States congress, as modified by the report of said commission submitted February 8, 1913, approved by the chief of engineers of the United States army and the board of engineers for rivers and harbors and printed in rivers and harbors committee document number five, sixty-third United States congress, first session, in so far as said plan provides for the rectification and enlargement of river channels and the construction of weirs; and making an appropriation for such work; and providing for the continuance of such work as provided by section two of an act of the congress of the United States entitled "An act to provide for the control of the floods of the Mississippi river and of the Sacramento river, California, and for other purposes," approved March 1, 1917.

[Approved by the Governor May 22, 1925.]

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

Appropriation: flood control, etc., Sacramento river.

SECTION 1. The sum of five hundred thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, which shall be available July 1, 1925, for controlling the floods, removing the debris and continuing the improvement of the Sacramento river, California, in accordance with the plans of the California debris commission contained in the report of said commission submitted August 10, 1910, and transmitted to the speaker of the house of representatives of the United States by the secretary of war on June 27, 1911, and printed in house of representatives document number eighty-one of the first session of the sixty-second United States congress, as modified by the report of said commission submitted February 8, 1913, approved by the chief of engineers of the United States army and the board of engineers for rivers and harbors and printed in rivers and harbors committee document number five, sixty-third United States congress, first session, in so far as said plan provides for the rectification and enlargement of river channels and the construction of weirs.

Purpose of act.

SEC. 2. The appropriation made by section one of this act is made in compliance with the provisions of section two of that certain act of congress of the United States entitled

“An act to provide for the control of the floods of the Mississippi river and of the Sacramento river, California, and for other purposes,” approved March 1, 1917, and shall be paid to the treasurer of the United States whenever a like sum of five hundred thousand dollars shall have been appropriated or authorized to be appropriated by the congress of the United States, conditional on the payment of an equal amount by the State of California, for the prosecution of said work pursuant to section two of said act of congress.

SEC. 3. The money hereby appropriated, when paid to the treasurer of the United States, shall be expended under the direction of the California debris commission and in such manner as it may require or approve, and as provided in section two of said act of congress; and none of the money so appropriated shall be expended in the purchase of or payment for any right of way, easement or land acquired for the purposes of said improvement.

Expenditure
by California
debris
commission.

SEC. 4. The controller of the State of California is hereby authorized and directed, upon request of the governor, to draw his warrant or warrants on the state treasury in favor of the treasurer of the United States for the amount hereby appropriated, and the state controller is hereby directed to pay the same.

Warrants in
favor of
U. S.
treasurer.

SEC. 5. If the congress of the United States shall not appropriate the full sum of five hundred thousand dollars for the prosecution of said work in accordance with section two of said act of congress, as hereinbefore referred to, but shall appropriate a less sum or sums from time to time for said purpose, then the said sum hereby appropriated shall become available and be paid over to the treasurer of the United States for said purpose as hereinbefore provided, in such sum or sums from time to time as may equal the sum or sums so appropriated or authorized to be appropriated by congress.

Appropriations
by
U. S.

CHAPTER 304.

An act to provide for the accomplishment of the work of the direct improvement of the navigation of the Sacramento, San Joaquin and Feather rivers of the State of California, by controlling the floods, removing the debris and continuing the improvement of the Sacramento river, California, in accordance with the plans of the California debris commission contained in the report of said commission submitted August 10, 1910, and transmitted to the speaker of the house of representatives of the United States by the secretary of war on June 27, 1911, and printed in house of representatives document number eighty-one of the first session of the sixty-second United States congress, as modified by the report of said commission submitted February 8, 1913, approved by the chief of engineers of the United States army and the board of engineers for rivers and

harbors and printed in rivers and harbors committee document number five, sixty-third United States congress, first session, in so far as said plan provides for the rectification and enlargement of river channels and the construction of weirs; and making an appropriation for such work; and providing for the continuance of such work as provided by section two of an act of the congress of the United States entitled "An act to provide for the control of the floods of the Mississippi river and of the Sacramento river, California, and for other purposes," approved March 1, 1917.

[Approved by the Governor May 22, 1925.]

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

Appropriation: flood control, etc., Sacramento river.

SECTION 1. The sum of five hundred thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, which shall be available July 1, 1926, for controlling the floods, removing the debris and continuing the improvement of the Sacramento river, California, in accordance with the plans of the California debris commission contained in the report of said commission submitted August 10, 1910, and transmitted to the speaker of the house of representatives of the United States by the secretary of war on June 27, 1911, and printed in house of representatives document number eighty-one of the first session of the sixty-second United States congress, as modified by the report of said commission submitted February 8, 1913, approved by the chief of engineers of the United States army and the board of engineers for rivers and harbors and printed in rivers and harbors committee document number five, sixty-third United States congress, first session, in so far as said plan provides for the rectification and enlargement of river channels and the construction of weirs.

Purpose of act.

SEC. 2. The appropriation made by section one of this act is made in compliance with the provisions of section two of that certain act of congress of the United States entitled "An act to provide for the control of the floods of the Mississippi river and of the Sacramento river, California, and for other purposes," approved March 1, 1917, and shall be paid to the treasurer of the United States whenever a like sum of five hundred thousand dollars shall have been appropriated or authorized to be appropriated by the congress of the United States, conditional on the payment of an equal amount by the State of California, for the prosecution of said work pursuant to section two of said act of congress.

Expenditure by California debris commission.

SEC. 3. The money hereby appropriated, when paid to the treasurer of the United States, shall be expended under the direction of the California debris commission and in such manner as it may require or approve, and as provided in section two of said act of congress; and none of the money so appropriated shall be expended in the purchase of or payment for

any right of way, easement or land acquired for the purposes of said improvement.

SEC. 4. The controller of the State of California is hereby authorized and directed, upon request of the governor, to draw his warrant or warrants on the state treasury in favor of the treasurer of the United States for the amount hereby appropriated, and the state controller is hereby directed to pay the same.

Warrants in favor of U. S. treasurer.

SEC. 5. If the congress of the United States shall not appropriate the full sum of five hundred thousand dollars for the prosecution of said work in accordance with section two of said act of congress, as hereinbefore referred to, but shall appropriate a less sum or sums from time to time for said purpose, then the said sum hereby appropriated shall become available and be paid over to the treasurer of the United States for said purpose as hereinbefore provided, in such sum or sums from time to time as may equal the sum or sums so appropriated or authorized to be appropriated by congress.

Appropriations by U. S.

CHAPTER 305.

An act to amend "The California irrigation district act," approved March 31, 1897, as amended, by amending section thirty-nine f thereof, relating to the payment of tolls and charges for the use of water and making the same a lien upon the lands upon which such water is used and making the same a part of the annual assessment levied by said district.

[Approved by the Governor May 22, 1925.]

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

SECTION 1. Section thirty-nine f of "The California irrigation district act," approved March 31, 1897, as amended, is hereby amended to read as follows:

Stats. 1923, p. 630, amended.

Sec. 39f. Whenever any tolls and charges for the use of water and other public uses provided for by this act have been fixed by the board of directors, it shall be lawful to make the same payable in advance. In case any tolls or charges remain unpaid at the time specified for the delivery of the assessment book to the collector of the district, the amount due for such tolls and charges, may be added to and become a part of the annual assessment levied upon the land upon which the water for which such tolls and charges are unpaid was used and upon the lands subject to tolls and charges for other public uses, and shall constitute a lien on said land, and if such assessment is divided and made payable in two installments such unpaid tolls and charges may be added to and become a part of the first installment of said assessment.

Unpaid tolls part of assessment.

CHAPTER 306.

An act to provide for the gathering of data concerning teachers of California who are bound by the provisions of "An act to provide for the payment of retirement salaries to the 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.

[Approved by the Governor May 22, 1925.]

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

Teachers bound by retirement plan to file data.

SECTION 1. During the month of November, 1925, each teacher in the public schools of California, the state teachers colleges, each school administrator, and each teacher or other person elsewhere employed who is bound by the provisions of "An act to provide for the payment of retirement salaries to the 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, shall file with the state board of education at its offices in Sacramento, in person or by registered mail, a statement made under oath, of his age at his nearest birthday, his teaching experience in the public schools of California, his teaching experience in the public schools of other states of the United States of America, and any other experience he may have had in public schools or in the service of the state that may be counted as service under the provisions of said act, and such other information as may be required by said state board of education for the purpose of making an investigation and estimate of probable future expenditures from such funds; *provided*, that any person who filed a like statement during the month of November, 1919, in accordance with law, shall be not required to file such statement during 1925 as herein required.

Teachers employed after December, 1, 1925, to file data.

SEC. 2. From and after the first day of December, 1925, each person newly employed in the public schools of California shall be required to file with the superintendent of schools of the county or city and county in which employed a statement made under oath as described in section one of this act; and it shall be the duty of the superintendent of schools of each county or city and county to withhold the first payment of salary thereafter due such person until there has been filed with such superintendent a statement as herein required or evidence that such a statement has been filed elsewhere as required by law. From and after the first day of December, 1925, each person newly employed in any institution other than the public schools, whose teachers are bound by the provisions of the retirement salary fund act, shall be required

to file such statement with the public school teachers' retirement salary fund board or its authorized representative, and it shall be the duty of the employing officer to withhold the first payment of salary thereafter due such person until presented with satisfactory evidence that such statement has been filed as required by law.

Sec. 3. All such statements described in the preceding sections of this act shall be considered confidential and no individual records shall be divulged by any official who has access to them and shall be used by the state board of education solely for the purpose of making such investigation and estimate, and such statements shall not be open to inspection by any one except the state board of education, and its officers, or any person authorized to make such inspection by the legislature.

Records confidential.

Sec. 4. On or before December 31, 1925, the state board of education shall file with the county superintendent of schools of each county, a list of the names of all teachers of such county who have filed the statement hereinbefore referred to. Upon receipt of such list, it shall be the duty of the county superintendent of schools to withhold payment of the next warrant for the payment of the salary of each teacher bound by the provisions of said act, who being employed during the month of November, 1925, shall have failed to file such statement, and shall not issue a warrant for such payment until such statement has been filed with the state board of education and a receipt therefor presented.

List to be filed with county superintendent.

CHAPTER 307.

An act to amend section one thousand five hundred nineteen a of the Political Code, relating to the disposition of funds received by the department of education.

[Approved by the Governor May 22, 1925.]

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

SECTION 1. Section one thousand five hundred nineteen a of the Political Code is hereby amended to read as follows:

1519a. The state board of education shall have power and it shall be its duty:

Powers and duties of board.

First—To prescribe by general regulations established in accordance with law the qualifications upon which county, and city and county boards of education may grant certificates:

Qualifications for certain certificates.

(a) To teach in junior colleges, senior high schools, four year high schools, junior high schools, elementary schools, and kindergartens.

(b) To supervise instruction and to administer schools as supervisors, principals, and superintendents.

(c) To act as school librarians.

(d) To act as school attendance officers.

(e) To supervise the health and development of pupils.

Credentials.

Second—To authorize and to issue credentials upon which county boards of education may grant the certificates enumerated above. Each credential so granted must clearly state the kind of service that it authorizes, the grades or classes, or the types of schools, in which it authorizes such service, and, if a teachers' credential, the subjects it authorizes the holder to teach. It must also contain its date of expiration and must be issued on a form prescribed by the state board of education and signed by the superintendent of public instruction.

Minimum
general
standards.

Third—The minimum general standard for each type of credential shall be as follows:

(a) For the general secondary school credential, five years of university or college, or of university, college, and normal school education of present day standard, including a baccalaureate degree and the professional training prescribed by the state board of education; or equivalent qualifications.

(b) For the general junior high school credential, four years of such collegiate training, including the prescribed professional training; or equivalent qualifications.

(c) For the general elementary credential, the same number of years of collegiate training required at the time for graduation from a California state teachers college, including the professional training prescribed by the state board of education.

(d) For the kindergarten primary credential, the same number of years of collegiate training required at the time for graduation from a California state teachers college, including the professional training prescribed by the state board of education.

(e) For the special secondary credential, as high a general standard for each of the different subjects as conditions at the time will warrant; *provided*, that no qualification shall be prescribed for certification to teach in any grade whatever a vocational subject unless the candidate shall have had, as a minimum, three years' experience as a journeyman, or, where this terminology does not apply, its equivalent, in the vocation in which he desires certification.

(f) For the special elementary credential, the general standard shall be as high as that prescribed for the general elementary credential.

(g) For instruction supervisor's credential, a teacher's certificate authorizing the holder to teach in the public schools in which he desires to supervise instruction and such other special and professional requirements as may be prescribed by the state board of education.

(h) For the administrator's credential: First, a teachers' certificate authorizing the holder to teach in the public schools of this state; second, a minimum of not less than two years of experience as a teacher, supervisor, or school administrator, as prescribed by the state board of education; third, such evidence of special training and study as will satisfy the board as to his fitness to perform the service he desires to qualify for.

(i) For librarians, the same standards as applied to other special credentials of like grade.

(j) For attendance officers, the qualifications of an elementary school teacher or an equivalent in schooling, social, practical, and teaching experience, including the special professional training required by the state board of education.

(k) For the supervision of the health and development of pupils, as provided in the health and development act.

(l) Any standard for the granting of any of the aforementioned credentials, when adopted, shall remain in force for not less than two years.

Fourth—To provide for the examination of any person (except an applicant for an elementary certificate) who appears to have schooling and experience which may qualify him for the credential which he desires to secure; and to prescribe general regulations and general standards governing examinations for the elementary certificate by county boards of education. Examination of applicants appearing qualified.

Fifth—To grant life diplomas authorizing the holders to serve for life in the public schools in the capacities specified in said diplomas. The service specified in each life diploma granted shall be that specified in a legal county certificate issued to the candidate at least one year prior to the granting of the life diploma. Life diplomas.

Each candidate for a life diploma must submit over his oath a complete application on a form provided by the state board of education. This application must be accompanied by a recommendation from a county board of education to the effect that the candidate has rendered successful professional service in the public schools of the county for a period of not less than one school year, and that said candidate is a fit person to possess a life diploma. Said recommendation must be based upon a resolution of the county board approved by at least three-fourths of its members.

Only such candidates are eligible as have had at least forty-eight months of successful school experience, at least twenty-one of which shall have been in the public schools of California or in schools maintained for minors by publicly controlled California institutions.

Sixth—Each application for any credential or document other than a life diploma, if made by a person who has resided in the State of California for the twelve months next preceding the date of application, shall be accompanied by a fee of three dollars, and each such application from a person other than one having resided within the State of California for the twelve months next preceding the date of application shall submit a fee of five dollars; and in addition thereto each such applicant permitted to take an examination under the state board of education under the provisions of subdivision fourth of this section shall, before he is so permitted, pay a fee of ten dollars. The application of each person for a life diploma must be accompanied by a fee of five dollars. Application fees.

All of the above fees must be paid into the state treasury at least once a month to the credit of the general fund. The state controller is authorized to require financial reports to be made to him at such time and in such form as he may require.

Revocation
of suspension
of diplomas,
etc.

Seventh—To revoke or suspend for immoral or unprofessional conduct, or for persistent defiance of, and refusal to obey, the laws regulating the duties of teachers, or for evident unfitness for teaching, life diplomas, documents issued under the provisions of sections one thousand five hundred three and one thousand seven hundred seventy-five of this code, or credentials issued in accordance with the provisions of this section; and to adopt such rules for said revocation as they may deem expedient or necessary.

Whenever the holder of any life diploma or other teachers' credential or document issued by the state board of education in accordance with law is charged with immoral or unprofessional conduct or evident unfitness for teaching or persistent defiance of, and refusal to obey, the laws regulating the duties of teachers, the state board of education in its discretion after notifying the teacher so charged of its intention so to do, may require the county board of education of the county in which such teacher is teaching or has last taught, to give notice of, and conduct, a hearing of such charges in the manner prescribed by law for the hearing of charges for the revocation or suspension of a teacher's certificate by a county board of education. The county board of education, after such hearing, shall report to the state board of education its findings and a summary of the evidence and shall make a definite recommendation concerning the revocation or suspension of such life diploma or other teachers' credential or document. Upon receipt of a copy of such findings, summary of evidence and recommendation, the state board of education may suspend or revoke such life diploma or other teachers' credential or document for the causes hereinbefore stated, or order the charges dismissed.

Commission
of
credentials.

Eighth—The state board of education is hereby authorized to create a commission of credentials, to consist of the superintendent of public instruction, the commissioner of elementary schools, the commissioner of secondary schools, and the commissioner of industrial and vocational education. This commission, when directed by the board, shall have authority to review the cases of applicants for credentials and life diplomas and when said commission is satisfied that any candidate fully meets the standard maintained by the state board it may issue the proper documents; *provided*, that said documents must be issued upon the regular forms used by the state board of education and must bear the signatures of the secretary and the president of said board or the facsimile signatures of the said officials, countersigned by an assistant secretary authorized by the board to perform such service,

The state board is authorized to assign to the commission of credentials such other duties relating to life diplomas, certificates, certification, and accrediting of institutions for purposes of certification, as it may see fit.

Ninth—The state board of education shall have power and it shall be its duty to provide for the organization and supervision of courses in physical education in the public schools of this state. Physical education.

CHAPTER 308.

An act to add a new section to the Code of Civil Procedure to be numbered one thousand one hundred eighty-four d, relating to the furnishing of bonds by persons against whom claims are filed, and prescribing the duties of public officers in respect thereto.

[Approved by the Governor May 22, 1925.]

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 known as section one thousand one hundred eighty-four d, to read as follows:

1184d. If the contractor, subcontractor or other person against whom any claim is filed as provided in section one thousand one hundred eighty-four of this code shall dispute the correctness or validity of any claim so filed it shall be lawful for the controller, auditor or other public disbursing officer whose duty it is to make payments under the provisions of such contract or the commissioner, managers, trustees, officers, board of supervisors, board of trustees, common council or other body by whom the contract for the improvement was awarded, in its or his discretion to permit the contractor to whom said contract was awarded to deliver to such board, commission or officer a bond executed by some corporation authorized to issue surety bonds in the State of California, in a penal sum equal to one and one-fourth times the amount of said claim, which said bond shall guarantee the payment of any sum which said claimant may recover on said claim together with his costs of suit in said action, if he shall recover therein, and upon the filing of said bond by and with the consent of such board, commission or officer, then such board, commission or officer shall not withhold any moneys from said contractor on account of said claim. The sureties upon said bond shall be jointly and severally liable to said claimant with the sureties upon the bond given in accordance with the provisions of an act entitled "An act to secure the payment of claims of persons employed by contractors upon public works, and the claims of persons who furnish materials, supplies, trams, implements or machinery used or consumed by such contractors in the performance of such works and prescribing the duties of certain public officers with respect thereto," approved May 10, 1919. Bonds may be furnished by those against whom claims are filed.

CHAPTER 309.

An act authorizing and directing the state highway commission to acquire necessary rights of way and to construct and maintain a highway, which shall constitute and be a state highway, extending from the town of Oxnard to a point to be selected by the state highway commission upon the state highway extending from Los Angeles to Ventura, such point to be at or near the town of El Rio, Ventura county.

[Approved by the Governor May 22, 1925.]

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

Oxnard-
El Rio state
highway.

SECTION 1. The state highway commission is hereby authorized and directed to acquire the necessary rights of way and to construct and maintain a highway, which shall constitute and be a state highway, and to take over any existing public highway along the route hereinafter designated as a part of said state highway, from the town of Oxnard to a point to be selected by the state highway commission at or near the town of El Rio, Ventura county, upon the state highway extending from Los Angeles to Ventura.

CHAPTER 310.

An act to amend section ten of the "California warehouse act," approved June 3, 1921, as amended, relating to the disposition of fees.

[Approved by the Governor May 22, 1925.]

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

Stats. 1921,
p. 1180,
amended.

SECTION 1. Section ten of the "California warehouse act," approved June 3, 1921, as amended, is hereby amended to read as follows:

Fees.

Sec. 10. The director of agriculture shall charge, assess and cause to be collected a reasonable fee for every examination or inspection of a warehouse under this act when such examination or inspection is made upon the application of a warehouse man, and a fee not exceeding two dollars per annum for each license or renewal thereof issued to a warehouse man under this act. All such fees shall be reported monthly by the director of agriculture to the state controller and such fees shall be deposited monthly in the state treasury to the credit of the general fund.

CHAPTER 311.

An act regulating the buying, receiving as a pledge and shipping of builders' tools, and requiring every person, firm or corporation dealing in second-hand goods, wares or merchandise, either as pawnbroker or otherwise, to keep a register of all such tools bought or received as a pledge, or

shipped or otherwise transmitted to any place outside the county in which the same were bought or received as a pledge, and to deliver daily, except on legal holidays, a copy of such register, to the chief of police, city marshal, town marshal, or other head of the police department, or to the sheriff of the county; and prescribing a penalty for violation of the act.

[Approved by the Governor May 22, 1925.]

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

SECTION 1. Every person, firm, or corporation dealing in second-hand goods, wares or merchandise, either as pawn-broker or otherwise, who buys or receives as a pledge any builders' tools shall keep a register in which shall be entered the place, date and hour of the sale or pledge of any such tools, the name, address and description of the seller or pledgor, a description of the tools, including all numbers, letters, names and other identification marks appearing thereon, and the name and address of the individual to whom such tools were sold or pledged.

Dealers in second-hand tools to keep register.

SEC. 2. Whenever any such person, firm or corporation shall ship or otherwise transmit any such tools so bought or so received as a pledge as aforesaid, to any place outside the county in which the same were so bought or so received as a pledge, such person, firm or corporation shall enter in the said register the date on which such tools were so shipped or otherwise transmitted, and the name and the place of business or residence of the person to whom the same were so shipped or transmitted.

Record of shipments.

SEC. 3. Every such person, firm or corporation shall each day, except legal holidays, deliver a full, true and complete copy of the said register to the chief of police, city marshal, town marshal, or other head of the police department of the city, city and county, town, or other municipality or district wherein such tools were so bought or so received in pledge as aforesaid, which said report shall include all such tools bought or received as a pledge or shipped or otherwise transmitted since the preceding report; *provided, however*, that if there is no police department in the municipality or district in which such tools are bought or received in pledge, or from which they are shipped or otherwise transmitted, such report shall be delivered or mailed each day, except legal holidays to the sheriff of the county.

Copy of record to be delivered.

SEC. 4. Builders' tools, within the meaning of this act, shall include all such tools as are customarily used in the construction, alteration, or repair of buildings.

Definition.

SEC. 5. Any person, firm or corporation who violates any of the provisions of this act shall be guilty of a misdemeanor, and shall be 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 such imprisonment.

Penalty.

CHAPTER 312.

An act to amend an act entitled "An act to define and regulate the business of banking," approved March 1, 1909, as amended, designated the "bank act," by amending sections fifteen, fifteen a, twenty-one a, sixty-two, sixty-five, eighty, eighty-three, ninety-six, one hundred one, one hundred twenty-three, one hundred thirty, one hundred thirty-two, and one hundred thirty-eight, and by adding new sections thereto to be numbered sections sixteen a, sixteen b, sixteen c, sixteen e and one hundred four, all relating to the definition and regulation of the business of banking.

[Approved by the Governor May 22, 1925.]

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

Stats. 1921,
p. 1365,
amended.

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

Appropriation of
dormant
accounts
by state.

Sec. 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 where neither the depositor nor any claimant has filed any notice with such bank showing his or her present residence, shall, with the increase and proceeds thereof, be deposited with the state treasurer after judgment in the manner provided in the Code of Civil Procedure. At the time of issuing the summons in the action provided for in section one thousand two hundred seventy-three of the Code of Civil Procedure, the clerk shall also issue a notice signed by him, giving the title and number of said action, and referring to the complaint therein, and directed to all persons, other than those named as defendants therein, claiming any interest in any deposit mentioned in said complaint, and requiring them to appear within sixty days after the first publication of such summons, and show cause, if any they have, why the moneys involved in said action should not be deposited with the state treasurer as in said section provided, and notifying them that if they do not so appear and show cause, the state will apply to the court for the relief demanded in the complaint. A copy of said notice shall be attached to and published with the copy of said summons required to be published by said section, and at the end of the copy of such notice so published there shall be a statement of the date of the first publication of said summons and notice. Any person interested may appear in said action and become a party thereto. Upon the completion of the publication of the summons and notice, and the service of the summons on the defendant bank, or banks, as in said section one thousand two hundred seventy-three of the Code of Civil Procedure provided, the court shall have

Notice to
claimants.

full and complete jurisdiction over the state, and the said deposits and of the person of every one having or claiming any interest in the said deposits, or any of them, and shall have full and complete jurisdiction to hear and determine the issues therein, and render the appropriate judgment thereon. 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 and to the state controller 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 not known to be living, and the amount of whose deposit is more than ten dollars. Such statement shall show in detail the following matters, viz:

Statement concerning deceased depositors and accounts dormant for twenty years.

First—The name and last known place of residence or post-office address of the person making such deposit;

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 the 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 reports 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 and not known to be living, and the amount of whose deposit is more than ten dollars. 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 week for four consecutive weeks, the cost of such publication to be paid pro rata out of such unclaimed deposits. The superintendent of banks must incorporate in his subsequent report such returns made to him as provided in this section. If president or managing officer of any bank neglects or refuses to make the sworn statements required by this section such bank

Statement and notice concerning deceased depositors and accounts dormant for ten years.

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, section thirty-one *a* of section thirty-one *b* 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.

Sec. 2. Section fifteen *a* of said act approved March 1, 1909, as amended, is hereby amended to read as follows:

Sec. 15*a*. When any deposit shall be made in any bank 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, or interest thereon, to the person in whose name the deposit shall have been made, and the receipt or acquittance of such depositor shall be a valid and sufficient release and discharge to such bank for such deposit or any part thereof.

When any deposit shall be made in any bank 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 deposit or any part thereof, together with the dividends or interest thereon, may be paid to the person for whom the deposit was made.

When a deposit shall be made in any bank by any person in the names of such depositor and another person and in form to be paid to either or the survivor of them, such deposit and any additions thereto made by either of such persons after the making thereof, shall become the property of such persons as joint tenants, and the same together with all dividends or interest thereon, shall be held for the exclusive use of such persons and may be paid to either during the lifetime of both or to the survivor after the death of one of them, and such payment and the receipt or acquittance of the one to whom such payment is made shall be a valid and sufficient release and discharge to such bank for all payments made on account of such deposit prior to the receipt by such bank of notice in writing not to pay such deposit in accordance with the terms thereof. The making of the deposit in such form shall, in the absence of fraud or undue influence, be conclusive evidence, in any action or proceeding to which either such bank or the

Stats. 1921,
p. 1367,
amended.

Deposit by
married
woman or
minor.

Deposit
in trust.

Joint
deposits.

surviving depositor is a party, of the intention of both depositors to vest title to such deposit and the additions thereto in such survivor.

SEC. 3. A new section is hereby added to said act, approved March 1, 1909, as amended, to be numbered section sixteen *a* of said act and to read as follows: Stats. 1909,
p. 91,
amended.

Sec. 16*a*. Whenever any person, firm or corporation being the owner of any deposit account subject to check in any bank organized under the laws of, or doing business in this state shall have authorized any person as agent or officer of said person, firm or corporation to draw checks on such bank against said account, the bank, in the absence of written notice to the contrary, shall be justified in presuming that any check drawn by said agent or officer in the form or manner authorized by such principal, including checks drawn to personal order of agent or officer, was drawn for a purpose authorized by the principal and within the scope of the authority conferred upon the agent or officer. Checks
drawn by
agent or
officer.

SEC. 4. A new section is hereby added to said act approved March 1, 1909, as amended, to be numbered section sixteen *b* of said act and to read as follows: Stats. 1909,
p. 91,
amended.

Sec. 16*b*. It shall be lawful for any bank organized under the laws of, or doing business in this state to refuse to pay any check, draft or order drawn upon it when the officers of such bank have reason to believe that the person signing or endorsing the instrument is or was so under the influence of liquor or drug as to make it reasonably doubtful whether such person is or was at the time of signing or endorsing such check, draft or order capable of transacting business. And no damages shall be awarded in any action against the bank or its officers for refusing in good faith to pay any such check, draft or order for such reason. Signer or
endorser
under influ-
ence of
liquor
or drug.

SEC. 5. A new section is hereby added to said act approved March 1, 1909, as amended, to be numbered section sixteen *c* of said act and to read as follows: Stats. 1909,
p. 91,
amended.

Sec. 16*c*. Any credit allowed by any bank organized under the laws of, or doing business in, this state, for any check, note or other instrument providing for the payment of money and drawn on or payable at the same bank in which it is deposited, or on or at any other bank, or on any other branch of the same bank, or on any other party, shall be only provisional, subject to final payment and to the receipt by the bank in which it is deposited of the funds in actual money, or in solvent credit on the books of any federal reserve bank, or on the books of any bank designated as a depository by the forwarding bank; *provided*, that any check, note or other instrument providing for the payment of money and drawn on or payable at the same bank in which it is deposited shall either be found good or else returned unpaid, or notice of dishonor duly sent, at or before the end of the day on which the item was deposited whenever such deposit has been made during business hours, or at or before the end of the Checks, etc.,
deposited for
collection.

next following business day when such deposit has been made after business hours; *and further provided*, that when such check, note or other instrument providing for the payment of money is drawn on or payable at any other bank, or on any other party, it shall be sent in course of collection by the end of the next succeeding business day and may be forwarded for the purpose of collection directly to the bank on or by which it is drawn, or at which it is made payable, or to any federal reserve bank, or to any other bank in the usual course of business; and in payment thereof there may be accepted either money or the check or draft of the bank on or by which it is drawn, or at which it is made payable, or the check or draft of any bank to or through which it has been forwarded for collection, or credit therefor may be accepted with any federal reserve bank, or with any bank designated as a depository by the forwarding bank. In forwarding for collection any check, note or other instrument, or receiving payment therefor, in any manner aforesaid, the bank shall not be liable in the event of the insolvency or other default or for any act or omission, of any other bank employed directly or indirectly in handling the collection of such check, note or other instrument, or of any bank on or by which the draft received in payment is drawn; nor for the payment of any check, or draft, or credit as may have been accepted in payment therefor; nor for the loss or destruction of, or inability to repossess itself of any check, note or other instrument in transit or in the possession of others. Until the proceeds of any check, note or other instrument providing for the payment of money shall have been actually received by the bank allowing such credit, in actual money, or in solvent credit on the books of any federal reserve bank, or on the books of any bank designated as a depository by the forwarding bank, such check, note or other instrument may be charged back to, or collected from, the depositor from whom it was received regardless of whether or not the check, note or other instrument itself can be returned.

Any check, note or other instrument providing for the payment of money and drawn on or payable at one office or branch of any bank organized under the laws of, or doing business in, this state, and received for deposit or collection or for any other purpose at another office or branch of such bank shall be deemed for all the purposes of this section as drawn on or payable at another bank.

Any provision of this section may be modified or set aside by an agreement in writing between any such bank and any party from whom any check, note or other instrument is received for collection, deposit, or other purpose.

SEC. 6. A new section is hereby added to said act approved March 1, 1909, as amended, to be numbered section sixteen *e* of said act and to read as follows:

Sec. 16*e*. Where a check or other instrument payable on demand at any bank organized under the laws of, or doing

Stats. 1909,
p. 91,
amended.

Ancient
checks.

business in this state, except a cashier's check or draft drawn by a bank, is presented for payment more than six months from its date, such bank may, unless expressly instructed by the drawer or maker to pay the same, refuse payment thereof and no liability shall thereby be incurred to the drawer or maker for dishonoring the instrument by nonpayment.

SEC. 7. Section twenty-one *a* of said act approved March 1, 1909, as amended, is hereby amended to read as follows:

Stats. 1923,
p. 55,
amended.

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

Terms and
conditions
upon which
bank may
borrow or
rediscount.

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

(2) In the manner authorized by law and without the approval of the superintendent of banks, any amount of the moneys of the United States, State of California, the counties, cities and counties, cities and towns of said State of California and of any other governmental or political subdivision of the State of California, and may receive such moneys or funds on deposit; *provided, however*, that the total amount of moneys of the State of California, the counties, cities and counties, cities and towns of said State of California and of any other governmental or political subdivision of the State of California that any bank shall borrow, receive or have on deposit at one time shall not exceed three hundred per cent of its entire capital, including all of its departments; *and provided, further*, that the total amount of moneys of the State of California, the counties, cities and counties, cities and towns of said State of California, and of any other governmental or political subdivision of the State of California that any bank shall borrow, receive or have on deposit at any one time, secured

by surety bonds, shall not exceed one hundred per cent of its capital.

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

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

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

Stats. 1923,
p. 63,
amended.

Limitations
upon deals
and liabilities
of
savings
banks.

Drafts.

Borrowing
money,
procedure
relating to.

Public
moneys.

SEC. 8. Section sixty-two of said act approved March 1, 1909, as amended, is hereby amended to read as follows:

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

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

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

California, the counties, cities and counties, and cities and towns of said State of California, and of any other governmental or political subdivision of the State of California, the funds of which are required by law to be secured if deposited in banks, and receive such moneys on deposit; *provided, however,* that the total amount of moneys of the State of California, the counties, cities and counties, cities and towns of said State of California and of any other governmental or political subdivision of the State of California that any bank shall borrow, receive or have on deposit at one time shall not exceed three hundred per cent of its entire capital, including all of its departments; *and, provided, further,* that the total amount of moneys of the State of California, the counties, cities and counties, cities and towns of said State of California, and of any other governmental or political subdivision of the State of California, that any bank shall borrow, receive or have on deposit at any one time, secured by surety bonds, shall not exceed one hundred per cent of its capital; *provided, also,* that savings banks may, in the manner authorized by law, and without the previous approval of the superintendent of banks, borrow postal savings moneys of the United States, and receive such postal savings moneys on deposit; *and, provided, further,* savings banks may borrow any amount, in addition to the amounts authorized to be borrowed in this section, for the purpose of buying from the United States, United States bonds, United States treasury certificates, or notes or obligations of the United States, but only in pursuance of a resolution of a majority of its board of directors, duly entered upon their minutes, and without the previous approval of the superintendent of banks, but the fact of such transaction shall forthwith be reported in writing to the superintendent of banks. No excess loan made to any savings bank with or without pledge of assets shall be invalid or illegal as to the lender.

Postal
savings
moneys.

Purchase
of U. S.
securities.

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

Stats. 1923,
p. 64,
amended.

Sec. 65. No loan shall be made, for himself or as agent or partner of another, directly or indirectly, to any director or officer of any savings bank by such bank, or on the endorsement, surety or guaranty of any such officer or director, except that loans may be made to any corporation in which any director or officer of such savings bank may own or hold a minority number of shares of stock, upon authorization of or confirmation within thirty days after making such loan, by a majority of all the directors of such bank and the affirmative vote of all directors of such bank present at the meeting authorizing or confirming such loan; *provided, however,* that such loan shall in all other respects conform to and comply with all other provisions of this act. Such interested director or officer shall not vote or participate in any manner in the action of the board on such loan; *provided,* that, by and with the consent of the superintendent of banks previously obtained in writing,

Loans to
director or
officer.

Loans
to another
corporation
owned by
stockholders.

all directors may vote on such a loan made to any corporation or bank where all of the outstanding shares of stock of one are owned by, or held in trust for, the owners of not less than ninety per centum of the outstanding shares of stock of the other, and where all or a majority of the directors of the borrowing corporation or bank are directors of the loaning bank. Such authorization or confirmation shall be entered upon the records or minutes of such savings bank. The fact of making such loan, the names of the directors authorizing or confirming such loan, the corporate name of the borrower, the name of each director or officer of such bank who is a member, stockholder, officer or director of the corporation, to which such loan is made, the amount of stock held by him in such borrowing corporations, the amount of such loan, the rate of interest thereon, the time when the loan will become due, the amount, character and value of security given therefor and the fact of final payment, when made, shall be forthwith reported in writing by the cashier or secretary of such savings bank to the superintendent of banks; *provided*, that any loan made to any corporation of which any director, officer, agent or employee of such savings bank owns not more than five per cent of the paid-in capital of such borrowing corporation nor any loan made to any corporation of which any two or more directors, officers, agents or employees of such savings bank own not more than twenty per cent of the paid-in capital of such borrowing corporation, shall not be reported to the superintendent of banks. No loan may be made to any corporation a majority of the stock of which is owned or controlled by any one or more of the directors or officers, or officers and directors, of such savings bank collectively, except with the previous consent of the superintendent of banks.

Loans
to agents
and
employees.

A loan may be made to any agent, employee, or a member of the advisory board, other than an officer or director, of any savings bank by such bank upon authorization or confirmation of a majority of all the directors of such savings bank and an affirmative vote of all directors of such savings bank present at the meeting authorizing or confirming such loan; *provided*, *however*, that such loan shall in all respects conform to and comply with all other provisions of this act. Such authorization or confirmation shall be entered upon the records or minutes of such savings bank. The fact of making such loan, the names of the directors authorizing such loan, the name of the borrower, the nature of his employment, the amount of such loan, the rate of interest thereon, the time when the loan will become due, the amount, character and value of the security given therefor, and the fact of final payment, when made, shall be forthwith reported in writing by the cashier or secretary of such savings bank to the superintendent of banks; *provided*, that any loan made to any corporation of which any director, officer, agent or employee of such savings bank owns not more than five per cent of the paid-in capital of such borrowing corporation nor any loan made to any corporation

of which any two or more directors, officers, agents or employees of such savings bank own not more than twenty per cent of the paid-in capital of such borrowing corporation, shall not be reported to the superintendent of banks. Any officer or director of any savings bank who knowingly procures a loan from such savings bank contrary to the provisions of this section shall be guilty of a felony. In case of the neglect or failure of the secretary or cashier of any such bank to report to the superintendent of banks, as herein provided, any of the facts so required to be reported, or in case of the neglect or failure of the secretary or cashier of any such bank to report to the superintendent of banks any loan made contrary to the provisions of this section, the bank shall be liable therefor and shall forfeit to the people of the State of California twenty-five dollars per day for each day, or part thereof, during which such neglect or failure continues.

Penalties.

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

Loans to religious corporations, clubs, etc.

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

Loans on securities of U. S.

Sec. 10. Section eighty of said act approved March 1, 1909, as amended, is hereby amended to read as follows:

Stats. 1923, p. 66, amended.

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

Limitations upon: (1) loans;

1. Ten per centum without security, except where such capital stock and surplus is not more than twenty-five thousand dollars, in which event an amount not to exceed twenty per centum of such capital stock and surplus may be loaned without security, and where such capital stock and surplus is greater than twenty-five thousand dollars and does not exceed fifty thousand dollars, a sum not exceeding five thousand dollars may be loaned without security. Nothing herein shall prohibit any commercial bank from taking or receiving any kind, character or amount of security whatsoever, either real or personal, for the protection of any loan made under the

provisions of this subdivision, but no such loan or any part thereof shall be considered or construed as a secured loan unless the whole thereof is loaned upon security worth at least fifteen per centum more than the amount of such loan; or,

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

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

(2) acceptance of drafts and bills:

The restrictions under this section shall not apply to bills of exchange or drafts, with bills of lading attached, drawn in good faith against actual existing values.

(a) accompanied by shipping documents.

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

(b) foreign drafts and bills.

Any commercial bank may accept drafts or bills of exchange drawn upon it having not more than three months' sight to run, exclusive of days of grace, drawn under regulations to be prescribed by the superintendent of banks by banks or bankers in foreign countries or dependencies or insular possessions

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

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

Loans secured by U. S. bonds.

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

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

Computation of liabilities to commercial banks.

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

Sec. 83. No loan shall be made for himself or as agent or partner of another, directly or indirectly, to any officer of any commercial bank by such bank or on the endorsement, surety, or guaranty of any such officer; *provided*, that a loan may be made to a corporation of which any officer of a commercial bank, proposing to make such loan, is a minority stockholder, director, officer, agent or employee. Loans to any director, agent or employee other than an officer, or to any firm, copartnership or corporation of which any director, agent or employee other than an officer is a member, stockholder, director, officer, agent or other employee, or to any person, firm, copartnership or corporation on the endorse-

Stats. 1921, p. 1404, amended.

Loans to officers, directors, etc.

To members
of advisory
boards.

ment, surety, or guaranty of any such director other than an officer, agent or other employec, can be made by any commercial bank; *and provided, further*, that a loan may be made or a line of credit may be given to any member of an advisory board or body of a commercial bank, not otherwise an officer of such bank, or a loan may be made to any firm, copartnership or corporation of which any member of such advisory board or body is a member, stockholder, director, officer, agent or other employee, or to any person, firm, copartnership, or corporation on the endorsement, surety or guaranty of any such member of such advisory board or body upon such conditions as are herein fixed for a loan, directly or indirectly, or a line of credit and the report thereof to any director of such bank. Loans herein authorized can be made 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; *provided*, that by and with the consent of the superintendent of banks previously obtained in writing, all directors may vote on such a loan made to any corporation or bank where all of the outstanding shares of stock of one are owned by, or held in trust for, the owners of not less than ninety per centum of the outstanding shares of stock of the other, and where all or a majority of the directors of the borrowing corporation or bank are directors of the loaning bank.

Authoriza-
tion or
confirmation.

Amount
of credit.

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 other than an officer, or to any firm, copartnership, or corporation in which any director, agent, or other employee other than an officer is a member, stockholder, director, officer, agent or other employee or to any corporation of which any officer of a commercial bank, proposing to fix such total amount of credit, is a minority stockholder, director, officer, agent or employee, and any or all loans made within or up to the total amount of such authorized credit may at any time during said 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, copartnership or corporation in which he is a member, stockholder, director, officer, 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, copartnership or corporation in which such director,

Report
of loan.

agent or employee is interested, or the name of the corporation of which any officer of a commercial bank is a minority stockholder, director, officer, agent or employee 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 final payment when made shall forthwith be reported in writing by the cashier or secretary of such bank to the superintendent of banks; *provided*, that any loan made to any corporation of which any director, officer, agent or employee of such commercial bank owns not more than five per cent of the paid-in capital of such borrowing corporation nor any loan made to any corporation which any two or more directors, officers, agents or employees of such commercial bank own not more than twenty per cent of the paid-in capital of such borrowing corporation shall not be reported to the superintendent of banks. In case a loan is made to a corporation there shall be reported in the same manner the name of each director and officer of such bank who is a member, stockholder, director, officer or employee of such borrowing corporation and the amount of stock held by him in such borrowing corporation. All the provisions of this section relating to reports shall apply to the granting of credit and all loans made under any credit given and payments made thereon shall also be reported immediately after the same is made. In case of a loan made without the previous authorization of the directors, the fact of making such loan shall forthwith be reported and the action of the board of directors, in confirming or refusing to confirm such loan within thirty days thereafter, and the fact of final payment when made shall be reported in the same manner as herein required for loans made under previous authorization. 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, or in case of the neglect or failure of the secretary or cashier of any such bank to report to the superintendent of banks any loan made contrary to the provisions of this section, the bank shall be liable therefor and shall forfeit to the people of the State of California twenty-five dollars per day for each day, or part thereof, during which such neglect or failure continues.

Penalties.

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

Loans to religious corporations, clubs, etc.

No loan may be made to any corporation a majority of the stock of which is owned or controlled by any one or more of the directors or officers, or directors and officers of such

Loans to controlled corporations.

commercial bank collectively, except with the previous consent of the superintendent of banks.

Loans on securities of U. S.

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

Stats. 1915, p. 1129, amended.

Sec. 12. Section ninety-six of said act approved March 1, 1909, as amended, is hereby amended to read as follows:

Security deposits with state treasurer.

Sec. 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 ninety-eight 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 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:

Securities acceptable.

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

(b) Bonds of the State of California, or those for which the faith and credit of the State of California are pledged for the payment of principal and interest, or those issued by any county, city and county, city or school district of this state, or bonds of any irrigation district such as are legal for investment by savings banks;

(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;

(d) Notes or bonds secured by mortgage or deed of trust, payment of which is guaranteed by a policy of mortgage insurance, and mortgage participation certificates, issued by a mortgage insurance company in accordance with the provisions of chapter eight of title two of part four of division first of the Civil Code; *provided*, that such notes or bonds shall constitute, and such mortgage participation certificates shall evidence the ownership of, or participation in, notes or bonds which constitute 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.

Approval by
superintend-
ent of banks.

Exchange of
securities.

Sale and
transfer.

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

Stats. 1921,
p. 1409,
amended.

Sec. 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:

Classification
of trusts.

- (a) Court trusts; or,
- (b) Private trusts.

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 admin-

Court trust.

istrator, 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.

Private trust.

Any other trust is a private trust; *provided*, that the creator of any private trust of which a trust company shall be made, or at any time come to be, the trustee, may, at the time of the creation of such trust, or the creator of any such private trust, or his successors in interest, and the beneficiaries thereof may, at any time, by their joint consent, direct that such trust shall be subject to and entitled to the benefit of all of the provisions of this act relating to court trusts and thereafter such trust shall for all the purposes of this act be deemed to be a court trust and wherever in this act the words "court trust" are used they shall be deemed to include private trusts which are subject to supervision except in so far as any of the provisions of this act relating to court trusts may, by their nature, be inapplicable to such private trust. Such direction shall be in writing addressed to the trustee, and a copy thereof, certified by the trustee, delivered to the superintendent of banks.

Inspection and supervision.

In case such direction shall be made after the acceptance of the trust, the trustee shall have the right to resign as such and a new trustee shall be appointed as provided in the trust instrument or by law. The inspection and supervision of the superintendent of banks shall extend only to court trusts as herein defined and to private trusts subjected to the provisions of this act relating to court trusts as above provided; except that the superintendent of banks, his attorneys, examiners or other assistants may, in the examination of the bank, inspect and inquire into any private trust or trusts administered by such bank.

Private trusts, except as in this section provided, shall not be subject to the inspection or supervision of the superintendent of banks, his attorneys, examiners or other assistants.

Reports.

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, report the amount of real and personal property held by such trust company in its court trusts and in such private trusts as are subject to supervision.

Receiving money in escrow.

Nothing in this act contained shall make it unlawful for any person or corporation not subject to the supervision of the superintendent of banks to engage in the business of receiving and holding in escrow money or its equivalent pending investment in real estate or securities for or on account of his or its principal, or of acting as trustee under deeds of trust given solely for the purpose of securing obligations for the repayment of money, other than corporation bonds.

Stats. 1909, p. 108, amended.

SEC. 14. A new section is hereby added to said act approved March 1, 1909, as amended, to be numbered section one hundred four of said act and to read as follows:

Participation certificates.

Sec. 104. Any trust company may issue participation certificates approved as to form by the superintendent of banks

on a trust deed or mortgage and the debt secured thereby which is a legal investment for savings banks, and which is owned by such trust company or by any department of a departmental bank of which such trust company is a department; and said trust company shall issue said certificates to the department owning such trust deed or mortgage and debt, and the department owning and holding any such participation certificates may sell and transfer the same to any department of the bank or to any trust or trusts administered by it and be held therein, anything in this act to the contrary notwithstanding. Any trust company, the whole or any part of the capital stock of which is owned by a departmental bank, shall, for the purposes of this section, be deemed a department of such bank, and shall have the right to sell to such bank any such participation certificate and to buy from said bank any such certificate for itself or for any trust or trusts administered by it. The amount of participation certificates issued and outstanding at any time shall not exceed the face value of the trust deed or mortgage and debt upon which the same are predicated.

SEC. 15. Section one hundred twenty-three of said act approved March 1, 1909, as amended, is hereby amended to read as follows: Stats. 1923, p. 68, amended.

Sec. 123. A fund is hereby created to be known as the state banking fund, and out of said fund shall be paid all the expenses incurred in and about the conduct of the business of the banking department, including the salary of the superintendent, chief deputy, attorney, examiners and other assistants, traveling expenses, furnishing of rooms and rent. Each bank shall pay annually a sum not to exceed one one-hundredth of one per centum of its total capital, surplus, reserve and contingent funds, undivided profits, and deposits, but not including secured deposits of public moneys, as shown by the last report of such bank to the superintendent of banks; *provided*, that the superintendent of banks may, in any fiscal year in the exercise of his discretion, collect from each bank a less sum to be determined by the proportion established in this section, if such less sum be sufficient to pay all the expenses incurred in and about the conduct of the business of the banking department, including the salary of the superintendent, chief deputy, attorney, examiners and other assistants, traveling expenses, furnishing of rooms and rent. All moneys collected or received by the superintendent of banks, under and by virtue of the provisions of this act, shall be by him delivered to the treasurer of the state, who shall deposit the same to the credit of said banking fund, and the unexpended balance of all moneys heretofore paid into the state treasury by any of the bank commissioners or the superintendent of banks, shall be retained and become a part of said fund; *provided, however*, that the superintendent shall have authority to retain in his possession and under his control the sum of fifteen thousand dollars to be used by him as a State banking fund.

Each bank to contribute.

Deposit with state treasurer.

Revolving fund.

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.

Stats. 1923,
p. 174,
amended.

SEC. 16. Section one hundred thirty of said act approved March 1, 1909, as amended, is hereby amended to read as follows:

Report to
superin-
tendent.

Sec. 130. Every bank, organized under the laws of this state, shall, whenever required by the superintendent of banks, make a report in writing to him, verified by the oath of its president and its secretary or cashier, or two principal officers. Such report shall show the actual financial condition of the bank making the report, at the close of any past day designated by the superintendent, and shall specify the following:

1. The amount of its capital stock and the number of shares into which it is divided.
2. The names of the directors and the number of shares of stock held by each.
3. The total amount of capital actually paid in, in cash, and the total amount of surplus, reserve and any other funds.
4. The total amount due the depositors.
5. The total amount and character of any other liabilities it may have.
6. The amount at which the lot and building occupied by the bank for the transaction of its regular business stands debited on its books; also the market value of all other real estate held, whether acquired in settlement of loans or otherwise, the original cost to the bank, the date when acquired, the amount at which it stands debited on the bank books, in what counties situated, and in what name the title is vested, if not in the name of the bank itself.
7. The amount loaned on real estate, specifying the amount secured on real estate in each county separately; also specifying the name of the person in whose name the property is held in trust or as security, in case it is held in any name other than that of the bank and the instrument creating the security does not itself disclose the name of the bank.
8. The amount invested in bonds, specifying the total amounts invested in accordance with the provisions of paragraph (a), of paragraph (b) and of paragraph (c) of subsection five of section sixty-one of this act, and designating the name and amount of each particular kind of all other bonds owned by it.
9. The amount loaned on stocks and bonds designating each particular class and the amount thereof.
10. The amount of money loaned on other securities, with a particular designation of each class and the amount loaned on each.
11. The amount and kind of money on hand or deposited in any other bank or place with the name of the place where deposited and the amount in each place.

12. Any other property held, or any amount of money loaned, deposited, invested or placed, not otherwise herein enumerated, and the place where situate and the value of said property, and the amount so loaned, deposited or placed.

13. The date on which examination of the bank was last made by its board of directors and the date on which report of such examination was filed, as required by section one hundred thirty-nine of this act.

14. The outstanding and unpaid amounts of any loans made by the bank, which under the provisions of either section sixty-five or eighty-three of this act are required to be reported to the superintendent of banks.

15. Any overdrafts and any loans, investments, acts or omissions violative of or not in conformity with any provision of this act which may be specifically called for.

Every foreign corporation transacting the business of banking in this state shall make the report herein required, as far as such report may relate to the affairs of such corporation in this state, and every foreign corporation must particularly render the report required by subdivisions three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, and fifteen of this section. Such report shall be made in writing and verified by the oath of one of its duly authorized officers or managers residing in this state. The oaths of the officers and the statements above required shall state that they and each of them have a personal knowledge of the matters therein contained, and that they believe every allegation, statement, matter, and thing therein contained is true. Any wilful false statement in the premises shall be perjury and shall be punished as such.

Report of
foreign
corporations.

Every bank which operates any branch office in any city or locality other than that wherein is located its principal place of business must in addition to the foregoing, report to the superintendent of banks the total of deposits received and held by it through its branch office or offices in each such city or locality in which any such branch may be located.

Report of
branch
banks.

SEC. 17. Section one hundred thirty-two of said act approved March 1, 1909, as amended, is hereby amended to read as follows:

Stats. 1909,
p. 114,
amended.

Sec. 132. At the time of furnishing such report to the superintendent of banks, every bank shall also publish a condensed statement of its financial condition, at least once, in some newspaper of general circulation, published in the city or town where its principal place of business is located, and, if no paper is published in such town, then in some newspaper of general circulation in the county where its principal place of business is located. Such published statement shall show the total amount of loans, the total amount of overdrafts, the total amount invested in bonds and other securities, the total amount of checks and other cash items, the total amount of cash on hand and due from banks, capital paid in, surplus funds; undivided profits, less expenses and taxes paid; due

Publication
of statement.

Shall show
what.

to other banks and bankers, due to trust companies and savings banks; individual deposits subject to checks; demand certificates of deposit; time deposits; certified checks; cashier's checks outstanding; the total amount of rediscounts; and such other items as will show the actual financial condition of the bank making the report.

Stats. 1913,
p. 199,
amended.

SEC. 18. Section one hundred thirty-eight of said act approved March 1, 1909, as amended, is hereby amended to read as follows:

Penalty for
failure to
report.

SEC. 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 fifteen 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.

CHAPTER 313.

An act to amend section four of an act entitled "An act to provide for the incorporation and organization and management of county water districts, and to provide for the acquisition of water rights or construction thereby of waterworks and for the acquisition of all property necessary therefor and also to provide for the distribution and sale of water by said districts," approved June 10, 1913, as amended, relating to elections.

[Approved by the Governor May 22, 1925.]

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

Stats. 1913,
p. 1052,
amended.

SECTION 1. Section four of an act entitled "An act to provide for the incorporation and organization and management of county water districts, and to provide for the acquisition of water rights or construction thereby of waterworks and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts," approved June 10, 1913, is hereby amended to read as follows:

Election of
directors.

SEC. 4. Within ninety days after the date of filing with the county clerk of the copy of the certificate of the secretary of state, provided for in section three of this act, the board of supervisors of the county in which the county water district is located shall make and cause to be entered upon its minutes at a regular meeting thereof an order calling an election in

such county water district for the election of a board of directors for the county water district consisting of five members, each of whom shall be a resident and qualified elector of the county water district.

The order of the board of supervisors shall fix the date of the election which shall not be more than sixty days after the date of the order calling the election. The order shall also create one or more voting precincts within the district and establish a polling place in each precinct and appoint a board of election, consisting of one inspector, one judge and two clerks, to hold, conduct and make returns of the election.

The county clerk shall give notice of the election by publishing notice thereof for at least two weeks in one but not to exceed three newspapers published in the county. The notice of election so published shall state the purpose for which the election is to be held, describe the voting precincts, state the location of the polling place for each precinct, the name and position of the persons appointed election officers and the date on which the election will be held.

The election shall be conducted in accordance with the general election laws of the state so far as the same may be applicable and the returns canvassed by the board of supervisors of the county at its regular meeting next succeeding the date of the election.

In all cases where the boundaries of the county water district include both unincorporated territory and any incorporated municipality or municipalities, the board of directors of the district, in addition to the five directors elected, shall further consist of one additional director, for each incorporated municipality within the boundaries of the county water district, and one additional director to be appointed by the board of supervisors of the county in which such district is located. Each such additional director for an incorporated municipality shall be appointed by the mayor or president of the board of trustees of the municipality for which such additional director is allowed, and the additional director for the county shall be appointed by the board of supervisors of the county. Any director so appointed need not be an elector or resident of the county water district. All directors elected or appointed shall hold office until the election and qualification or appointment and qualification of their successor. 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 incorporation of the county water district shall hold office only until the election and qualification of their successors as hereinafter provided. The term of office of directors appointed shall be six years from and after the date of their appointment. All vacancies occurring in the office of directors appointed shall be filled by appointment by the same authority as in the first instance.

Additional
directors.

Term of
office.

Vacancies.

All vacancies occurring in the office of directors who are elected shall be filled by appointment by the remaining directors elected and the person so appointed shall have all of the qualifications necessary to be elected a director, and shall hold office during the unexpired term.

In all cases where, under the provisions of this section, directors are to be appointed the first appointed directors shall be appointed by the mayor or the president of the board of trustees of incorporated municipalities and the board of supervisors not later than the date set for the election provided for in this section.

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 election.

CHAPTER 314.

An act declaring all buildings and places nuisances, wherein or upon which any opium, morphine, cocaine, heroin or other narcotic is unlawfully sold, served or given away, or which are used for the purpose of unlawfully selling, serving or giving away such narcotics; and providing for the abatement of such nuisances.

[Approved by the Governor May 22, 1925.]

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

Place where
narcotics
unlawfully
sold, a
nuisance.

SECTION 1. Every building or place used for the purpose of unlawfully selling, serving, storing, keeping, or giving away any opium, morphine, cocaine or heroin, and every building or place wherein or upon which such narcotics are unlawfully sold, served or given away, or allowed to be used, 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. 2. 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. 3. 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. On granting such writ the court or judge must require, except when it is granted on application of the people of the state, written undertaking on the part of the applicant, with sufficient securities, to the effect that he will pay to the party enjoined such damages, not exceeding an amount to be specified, as such party may sustain by reason of the injunction, if the court finally decides that the applicant was not entitled thereto.

Temporary writ.

SEC. 4. The action when brought shall have precedence over all other actions, excepting criminal proceedings, election contests and hearings on injunctions. 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.

Precedence of action.

SEC. 5. If the existence of the nuisance be established in an action as provided herein, an order of abatement shall be entered as part of the judgment in the case, and plaintiff's costs in such action shall be a lien upon such building and place, enforceable and collectible by execution issued by order of the court.

Judgment.

SEC. 6. Any violation or disobedience of any injunction or order expressly provided for by this act shall be punished as a contempt of court by 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.

Penalty for violation.

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

Order of abatement.

Fees. 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 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:

First—To the fees and costs of such removal and sale.

Second—To the allowances and costs of so closing and keeping closed such building or place.

Third—To the payment of the plaintiff's costs in such action.

Fourth—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.

Release of property. 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 to law.

Fine a lien on building. SEC. 10. Whenever the owner of a building or place upon which the act or acts constituting the contempt shall have been committed, or the owner 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 order of the court.

"Person" defined. SEC. 11. The term "person," as used in this act, shall be held to mean and include individuals, corporations, associations, partnerships, trustees, lessees, agents and assignees.

CHAPTER 315.

An act appropriating money to pay the expenses of erecting a suitable building, and of collecting and maintaining an exhibit of the products of the State of California, at the Nevada transcontinental highways exposition, to be held in the city of Reno, Nevada, in one thousand nine hundred twenty-six, and to provide for a commissioner thereof.

[Approved by the Governor May 22, 1925.]

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

SECTION 1. The governor of the State of California is hereby empowered to appoint a commissioner to be known as the Nevada transcontinental highways exposition commissioner, and such commissioner shall have exclusive charge and control of the matters herein and hereby provided, with power to appoint all necessary persons for the purpose of carrying out the provisions of this act, and the expenditure of all money herein appropriated by the State of California for the construction of a building and the collecting and maintenance of an exhibit of the products of the State of California at the Nevada transcontinental highways exposition, to be held in the city of Reno, state of Nevada, in the year one thousand nine hundred twenty-six.

Commissioner:
appointment,
powers and
duties.

SEC. 2. The said commissioner shall receive no compensation for his services, but he shall have the power to employ suitable persons and upon such terms as he shall deem just and equitable for the purpose of carrying out the provisions of this act.

Compensation.
Employee..

SEC. 3. The sum of one hundred 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 meet the expenses of erecting a building, and collecting and maintaining an exhibit of the products of the State of California, at the Nevada transcontinental highways exposition, to be held in the city of Reno, state of Nevada, in the year one thousand nine hundred twenty-six, and the controller of the State of California is hereby directed to draw his warrant on the general fund, from time to time, for such portion of said one hundred thousand dollars, and in favor of such persons as said commissioner shall direct, and the state treasurer is directed and empowered to pay the same.

Appropriation.

SEC. 4. It shall be the duty of all public institutions in the State of California to assist the said commissioner in every possible way by loaning him such material in their possession as will add to the attractive features of the state exhibit at said exposition.

Public institutions
to assist.

CHAPTER 316.

An act to provide for the licensing, inspection and regulation of maternity hospitals or lying-in asylums, by the state board of health, and providing a penalty for the violation of the provisions of this act, and repealing all acts or parts of acts in conflict with this act.

[Approved by the Governor May 22, 1925.]

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

Maternity
hospitals to
be licensed.

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, without first obtaining a license or permit therefor, in writing, from the state board of health, such permit or license once issued to continue until revoked for cause after a hearing.

State board
of health
to license
and inspect.

SEC. 2. The state board of health is hereby authorized to issue licenses or permits to persons or associations to conduct maternity hospitals, lying-in asylums, 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, 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, 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.

Repeal and
limitation.

SEC. 4. All acts or parts of acts in conflict with this act are hereby repealed; *provided, however*, that nothing in this act shall in any way modify or diminish the authority and control heretofore exercised over children by the state board of charities and corrections.

CHAPTER 317.

An act appropriating money to pay the claim of Dan Murphy and E. J. Dillon, against the State of California.

[Approved by the Governor May 22, 1925.]

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

Appropriation:
claim
of Dan
Murphy and
R. J. Dillon.

SECTION 1. The sum of twenty three thousand, two hundred fifty-two dollars and fifty-nine cents (\$23,252.59) is hereby

appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of Dan Murphy and R. J. Dillon, against the State of California.

CHAPTER 318.

An act appropriating money to pay the claim of the Bankers Life Company, a corporation, against the State of California.

[Approved by the Governor May 22, 1925.]

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

SECTION 1. The sum of nine thousand eighty-seven dollars and seventeen cents is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of the Bankers Life Company, a corporation, against the State of California.

Appropriation: claim of Bankers Life Co.

CHAPTER 319.

An act appropriating money to pay the claim of the Los Angeles Railway Company, a corporation, against the State of California.

[Approved by the Governor May 22, 1925.]

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

SECTION 1. The sum of nine thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of the Los Angeles Railway Company, a corporation, against the State of California.

Appropriation: claim of Los Angeles Railway Co.

CHAPTER 320.

An act appropriating money to pay the claim of the Pacific Gas and Electric Company, a corporation, against the State of California.

[Approved by the Governor May 22, 1925.]

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

SECTION 1. The sum of four thousand four hundred sixty-one dollars and ninety-six cents is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of the Pacific Gas and Electric Company, a corporation, against the State of California.

Appropriation: claim of P. G. and E. Co.

CHAPTER 321.

An act to amend sections one and two of an act entitled "An act to secure the payment of claims of persons employed by contractors upon public works, and the claims of persons who furnish materials, supplies, teams, implements or machinery used or consumed by such contractors in the performance of such works, and prescribing the duties of certain public officers with respect thereto," approved May 10, 1919, so as to give a right of action against the surety or sureties on the contractor's bond independent of a right of action against the board, commission, officer, or other body by whom the contract was awarded, to make said bonds inure to the benefit of such claimants, making such claims prior to any assignments and providing that all persons against whom claims may be filed under this act may, by furnishing an additional bond, release funds withheld by public authorities on account of verified claims theretofore filed.

[Approved by the Governor May 22, 1925.]

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

Stats. 1919,
p. 487,
amended.

SECTION 1. Section one of an act entitled "An act to secure the payment of the claims of persons employed by contractors upon public works, and the claims of persons who furnish materials, supplies, teams, implements or machinery used or consumed by such contractors in the performance of such works, and prescribing the duties of certain public officers with respect thereto," approved May 10, 1919, is hereby amended to read as follows:

Bond of
contractor
on public
work.

SECTION 1. Every contractor, person, company, or corporation, to whom is awarded a contract for the improvement, erection or construction of any building, road, bridge or other structure, excavating, or other mechanical work for this state, or for any political subdivision or agency of the state shall, before entering upon the performance of such work, file with the commissioners, managers, trustees, officers, board of supervisors, board of trustees, common council, or other body by whom such contract was awarded, a good and sufficient bond, to be approved by such contracting body, officers or board, in a sum not less than one-half of the total amount payable by the terms of the contract; such bond shall be executed by either two or more good and sufficient sureties or by corporate surety as provided by law, in an amount not less than the sum specified in the bond, and must provide that if the contractor, person, company, or corporation, or his or its subcontractors, fail to pay for any materials, provisions, provender or other supplies, or teams, used in, upon, for or about the performance of the work contracted to be done, or for any work or labor thereon of any kind, that the surety or sureties will pay for the same, in an amount not exceeding the sum specified in the bond,

and also, in case suit is brought upon such bond, a reasonable attorney's fee, to be fixed by the court. Such bond must by its terms inure to the benefit of any and all persons, companies and corporations entitled to file claims under this act so as to give a right of action to them or their assigns in any suit brought upon said bond. Unless such bond is filed as herein provided, no claim in favor of the contractor arising under such contract shall be audited, allowed, or paid by any public officer of this state, or of any political subdivision or state agency, but persons who have in good faith performed work upon such contract, or supplied materials for the execution thereof, shall, upon giving the notice prescribed in section two hereof, be entitled to receive payment of their respective claims in the manner provided by sections one thousand one hundred eighty-four, one thousand one hundred eighty-four *a*, one thousand one hundred eighty-four *b*, and one thousand one hundred eighty-four *c* of the Code of Civil Procedure.

Where bond
not filed.

Sec. 2. Section two of an act entitled "An act to secure the payment of the claims of persons employed by contractors upon public works, and the claims of persons who furnish materials, supplies, teams, implements or machinery used or consumed by such contractors in the performance of such works, and prescribing the duties of certain public officers with respect thereto," approved May 10, 1919, is hereby amended to read as follows:

Stats 1919,
p. 488,
amended.

Sec. 2. Any materialman, person, company or corporation furnishing materials, provisions, provender or other supplies used in, upon, for or about the performance of the work contracted to be executed or performed, or any person, company or corporation renting or hiring teams or implements or machinery for or contributing to said work to be done, or any person who performed work or labor upon the same, or any person who supplies both work and materials, and whose claim has not been paid by the contractor, company, or corporation, to whom the contract has been awarded, or by the subcontractors of said contractor, company, or corporation, may at any time prior to the expiration of the period within which claims of lien must be filed for record as prescribed by section one thousand one hundred eighty-seven of the Code of Civil Procedure file with the commissioners, managers, trustees, officers, board of supervisors, board of trustees, common council, or other body by whom such contract was awarded, or with the controller, auditor, or other public disbursing officer whose duty it is to make payments under the provisions of such contract a verified statement of such claims, together with a statement that the same have not been paid. It shall be lawful for the state or any public board, commission, or officer thereof, or any political subdivision thereof, within ten days after the completion of any contract or structure, or work of improvement, provided for in this act, or within ten days after there has been a cessation from

Claims of
materialmen,
laborers, etc.

labor thereon for a period of thirty days, to file for record in the office of the county recorder of the county or counties where the property is situated, a notice setting forth the date when the same was completed or on which cessation from labor occurred, together with the name of the state or such public board, commission or officer thereof, or such political subdivision thereof and a description of the property or public work or structure sufficient for identification and the name of the contractor or contractors, the names of the sureties, if any, which notice shall be verified by some officer of the state or some member of such board, commission or officer thereof, or of such political subdivision thereof, and in case such notice be not so filed, the failure to so file shall have the same effect as is provided in section one thousand one hundred eighty-seven of the Code of Civil Procedure with reference to the "owner." Actions against the state, public board, commission, or officer thereof, or the political subdivision of the state, or the disbursing officer whose duty it is to make payments under the provisions of the contract for the public improvement in question, brought by any claimant who has filed claim under this act, or his assign, shall be governed by the provisions of sections one thousand one hundred eighty-four, one thousand one hundred eighty-four *a*, one thousand one hundred eighty-four *b*, and one thousand one hundred eighty-four *c* of the Code of Civil Procedure and the verified notice provided for in the said sections shall be equivalent for all purposes to the verified claim provided for herein.

Assignments.

No assignment by the contractor of the whole or any part of the money due him or to be due him under the contract, or for "extras" in connection therewith, whether made before a verified claim is filed as provided for herein or after said claim is filed, shall be held to take priority over claims filed under this section and such assignment shall have no binding force in so far as the rights of the claimants who file claims hereunder, or their assigns, are concerned; *provided*, that nothing in this section shall be construed to prohibit the payment of any money to the contractor or his assigns, so long as no verified claim is on file before the disbursing officer shall have actually surrendered possession of the warrant, checks, bonds, or money or the payment to said contractor or his assigns of any money due him or his assigns over and above the total amount of the claims filed at that time plus such interest and court costs as might be reasonably anticipated in connection with said claims.

Action upon bond.

Suit against the surety or sureties on the bond of the contractor required under section one hereof, may be brought by any claimant, or his assign, at any time after the claimant has ceased to perform labor or furnish material or both and until the expiration of six months after the period in which verified claims may be filed as provided herein. The filing of a verified claim shall not be a condition precedent to the maintenance of such action against the surety or sureties on the bond and an action on such bond may be maintained

separately from and without the filing of an action against the board, commission, officer or other body by whom such contract was awarded. And upon the trial of any such action, the court shall award to the prevailing party a reasonable attorney's fee, to be taxed as costs, and to be included in the judgment therein rendered.

If the contractor, subcontractor or other person against whom any claim is filed as provided in this act shall dispute the correctness or validity of any claim so filed it shall be lawful for the controller, auditor or other public disbursing officer whose duty it is to make payments under the provisions of such contract or the commissioner, managers, trustees, officers, board of supervisors, board of trustees, common council or other body by whom the contract for the improvement was awarded, in its or his discretion, to permit the contractor to whom said contract was awarded to deliver to such board, commission or officer a bond executed by some corporation authorized to issue surety bonds in the State of California, in a penal sum equal to one and one-fourth times the amount of said claim, which said bond shall guarantee the payment of any sum which said claimant may recover on said claim together with his costs of suit in said action, if he shall recover therein, and upon the filing of said bond by and with the consent of such board, commission or officer, then such board, commission or officer shall not withhold any moneys from said contractor on account of said claim. The sureties upon said bond shall be jointly and severally liable to said claimant with the sureties upon the bond given in accordance with section one of this act.

Additional
bond.

CHAPTER 322.

An act to add a new section to the Code of Civil Procedure to be numbered one thousand seven hundred seventy-one a, relating to the use of the estate of a wife over which a guardian has been appointed by reason of incompetency.

[Approved by the Governor May 22, 1925.]

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

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

1771a. If the husband is unable to provide suitably for the care or support of a wife over whose estate a guardian has been appointed by reason of incompetency, the expense of providing such care or support, may, to the extent necessary, be charged against and defrayed out of such estate, as previously directed by the court or as subsequently approved by the court in settling the accounts of the guardian of the estate; for this purpose the guardian may sell or mortgage estate of the ward as provided in this code.

Support of
wife from
her estate.

CHAPTER 323.

An act to amend sections one and six of an act entitled "An act to control and regulate the possession, sale and use of pistols, revolvers and other firearms capable of being concealed upon the person; to prohibit the manufacture, sale, possession or carrying of certain other dangerous weapons within this state; to provide for registering all sales of pistols, revolvers or other firearms capable of being concealed upon the person; to prohibit the carrying of concealed firearms except by lawfully authorized persons; to provide for the confiscation and destruction of such weapons in certain cases; to prohibit the ownership, use, or possession of any of such weapons by certain classes of persons; to prescribe penalties for violations of this act and increased penalties for repeated violations hereof; to authorize, in proper cases, the granting of licenses or permits to carry firearms concealed upon the person; to provide for licensing retail dealers in such firearms and regulating sales thereunder; and to repeal chapter one hundred forty-five of California Statutes of 1917, relating to the same subject," approved June 13, 1923, relating to the carrying of weapons by policemen, guards and messengers.

[Approved by the Governor May 22, 1925.]

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

**Stats. 1923,
p. 696,
amended.**

SECTION 1. Section one of an act entitled "An act to control and regulate the possession, sale and use of pistols, revolvers and other firearms capable of being concealed upon the person; to prohibit the manufacture, sale, possession or carrying of certain other dangerous weapons within this state; to provide for registering all sales of pistols, revolvers or other firearms capable of being concealed upon the person; to prohibit the carrying of concealed firearms except by lawfully authorized persons; to provide for the confiscation and destruction of such weapons in certain cases; to prohibit the ownership, use or possession of any of such weapons by certain classes of persons; to prescribe penalties for violations of this act and increased penalties for repeated violations hereof; to authorize, in proper cases, the granting of licenses or permits to carry firearms concealed upon the person; to provide for licensing retail dealers in such firearms and regulating sales thereunder; and to repeal chapter one hundred forty-five of California statutes of 1917, relating to the same subject," approved June 13, 1923, is hereby amended to read as follows:

**Manufacture,
sale, carry-
ing, etc.,
certain
dangerous
weapons
prohibited.**

Section 1. On and after the date upon which this act takes effect, every person who within the State of California manufactures or causes to be manufactured, or who imports into the state, or who keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any instrument or weapon of the kind commonly known as a blackjack, slungshot, billy, sandelub, sandbag, or metal knuckles, or who carries concealed upon his person any explosive substance, other than fixed

ammunition, or who carries concealed upon his person any dirk or dagger, shall be guilty of a felony and upon a conviction thereof shall be punishable by imprisonment in a state prison for not less than one year nor for more than five years; *provided, however*, that nothing in this act shall prohibit police officers, special police officers, peace officers, or law enforcement officers from carrying any wooden club, baton, or any equipment authorized by the properly constituted authorities for the enforcement of law or ordinance in any town, municipality, county, city and county in the State of California.

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

Sec. 6. Nothing in the preceding section shall be construed to apply to or affect sheriffs, constables, marshals, policemen, whether active or honorably retired, or other duly appointed peace officers, nor to any person summoned by any such officers to assist in making arrests or preserving the peace while said person so summoned is actually engaged in assisting such officer; nor to the possession or transportation by any merchant of unloaded firearms as merchandise; nor to members of the army, navy, or marine corps of the United States, or the national guard, when on duty, or to organizations which are by law authorized to purchase or receive such weapons from the United States, or from this state; nor to duly authorized military or civil organizations while parading, nor to the members thereof when going to and from the places of meeting of their respective organizations; nor to the guards or messengers of common carriers, banks and other financial institutions while actually employed in and about the shipment, transportation or delivery of any money, treasure, bullion, bonds or other thing of value within this state; nor to members of any club or organization now existing, or hereafter organized, for the purpose of practicing shooting at targets upon established target ranges, whether public or private, while such members are using any of the firearms referred to in this act upon such target ranges, or while going to and from such ranges; nor to licensed hunters or fishermen while engaged in hunting or fishing, or while going to or returning from such hunting or fishing expedition.

Stats. 1923,
p. 687,
amended.
Police officers,
etc.,
excepted.

CHAPTER 324.

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

[Approved by the Governor May 22, 1925.]

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

SECTION 1. Where in any school district of any kind or class, including union school districts and joint union school

School and
sanitary dis-
trict bonds
validated.

districts, or high school district of any kind or class, including union high school districts and joint union high school districts, or sanitary 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 sanitary board or other governing body of any such district and all the acts and proceedings of the board of supervisors of the county or of said sanitary board, within which such district is situated, leading up to and including the issuance of such bonds if they have heretofore been 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 or of said sanitary board 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 the legal and binding obligations of and against the district having heretofore issued 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.

Payment of
interest and
principal.

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 and sanitary districts, 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, of such sanitary districts.

Bonds not
legalized.

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 325.

An act to amend section two hundred seventy of the Penal Code relative to omitting to provide child with necessaries.

[Approved by the Governor May 22, 1925.]

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

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

Omitting
to provide
child with
necessaries.

270. A father of either a legitimate or illegitimate minor child who wilfully omits without lawful excuse to furnish necessary food, clothing, shelter or medical attendance or

other remedial care for his child is guilty of a misdemeanor and punishable by imprisonment in the county jail not exceeding two years or by a fine not exceeding one thousand dollars, or by both. This statute shall not be construed so as to relieve such father from the criminal liability defined herein for such omission merely because the mother of such child is legally entitled to the custody of such child nor because the mother of such child, or any other person, or organization, voluntarily or involuntarily furnishes such necessary food, clothing, shelter or medical attendance or other remedial care for such child, or undertakes to do so.

Proof of abandonment or desertion of a child by such father, or the omission by such father to furnish necessary food, clothing, shelter or medical attendance or other remedial care for his child is prima facie evidence that such abandonment or desertion or omission to furnish necessary food, clothing, shelter or medical attendance or other remedial care is wilful and without lawful excuse.

In the event that the father of either a legitimate or illegitimate minor child is dead or unable by reason of physical or mental infirmity to furnish the necessary food, clothing, shelter or medical attendance or other remedial care for his minor child, the mother of said child shall become subject to the provisions of this section and be criminally liable for the support of said minor child during the period of inability on the part of the father to the same extent and in the same manner as the father would have been had it not been for his physical or mental infirmity.

The provisions of this section are applicable whether the parents of such child are married or divorced, and regardless of any decree made in any divorce action relative to alimony or to the support of the wife. A child conceived but not yet born is to be deemed an existing person in so far as this section is concerned.

CHAPTER 326.

An act to authorize and empower the state director of education, with the approval of the state board of control, to sell and convey the lands and buildings of the San Diego State Teachers College, and from the proceeds of such 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 buildings.

[Approved by the Governor May 22, 1925.]

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

Sale of
land and
buildings
of San Diego
State
Teachers
College.

SECTION 1. The state director of education, with the approval of the state board of control, is hereby authorized and empowered to sell, at public auction, on such terms as may be determined by the said state director of education, with the approval of the state board of control, the lands and buildings of the San Diego State Teachers College.

Notice of the time and place of such sale at public auction and the terms and conditions thereof, which the said state director of education, with the approval of the state board of control, is hereby authorized to make, shall be published in a daily newspaper printed and published in the city of San Diego for at least two weeks prior to the appointed day of sale. The said state director of education, with the approval of the state board of control, is hereby authorized to reject any and all bids and offers therefor, to continue the day of sale from time to time, as many times as in his judgment may be necessary, and also to appoint another day or other days of sale and publish notice thereof, until the said lands and buildings shall have been sold. In case the sale shall be continued, said notice of sale, with a statement added thereto stating that the same has been continued, and the day to which it has been postponed, shall be published daily in said newspaper until the day to which the sale is postponed.

The state board of control is hereby authorized to order and to have made all necessary deeds of conveyance and papers and searches, abstracts, and certificates of title and surveys of said lands, and to take all necessary and proper proceedings and bring the necessary suits to cure any defects in said title, the cost and expenses of all of which shall be paid out of the proceeds of said sale upon the warrant of the state controller, and the state treasurer is directed to pay the same out of the fund hereinafter created.

Deed to
property.

SEC. 2. The state director of education is hereby authorized and directed to execute to the purchaser for and on behalf of and in the name of the State of California, a deed of conveyance of said lands and buildings in the usual form of grant, bargain, and sale, and deliver the same upon the payment of the full amount of the purchase price; and said deed shall be effectual to pass and convey to the said purchaser all of the right, title, interest and estate of the State of California in and to said lands and buildings.

Fund
created.

SEC. 3. The moneys received from the sale of said lands and buildings shall be paid into the state treasury to the credit of the "San Diego State Teachers College building and improvement fund," which fund is hereby created, and said moneys shall not be withdrawn therefrom except to pay the costs and expenses of carrying out the provisions of this act,

and the expenses incidental thereto, for the rent of grounds and buildings as in this act provided, for the purchase and improvement of a new site, and for the construction of new buildings and other improvements as hereinafter provided.

SEC. 4. The state director of education is hereby authorized, directed, and empowered, to examine sites and to select, with the approval of the state board of control, a new and suitable site for said school in the county of San Diego, and to purchase or otherwise acquire for and on behalf of the State of California the necessary lands therefor, and the lands so selected and purchased shall be and remain the site of the San Diego State Teachers College unless otherwise provided by law; *provided*, that the purchase price of the new site selected shall not exceed one hundred thousand dollars; *and provided, further*, that in the purchase of a new site and in constructing and equipping said new state teachers college buildings, the total expenditures shall not exceed in amount the net sum received for the property authorized to be sold by this act.

Purchase
of new site.

SEC. 5. The state director of education, with the approval of the state board of control, is hereby authorized, directed, and empowered to grade, fence, and otherwise improve the said new site in a manner suitable to its intended uses; to erect and construct upon grounds to be purchased or to be acquired for that purpose as herein provided, all buildings and other structures and improvements necessary and proper for said school in accordance with plans and specifications herein provided for.

Improvement
of new site.

The division of architecture of the state department of public works shall provide plans, drawings, and specifications for a suitable building or buildings and for other structures and improvements necessary and proper for said school.

The state director of education, with the approval of the state board of control, is also authorized, directed and empowered to provide and purchase all furniture, fixtures, and apparatus, and other things that may be required for the proper equipment of the buildings and grounds for the said state teachers college.

SEC. 6. Upon said sale of said lands and buildings being made, the state director of education, with the approval of the state board of control, is hereby authorized to rent, for the purpose of said school, such grounds and buildings as he may deem necessary, to be occupied temporarily until the completion of the new buildings provided for by this act.

Rent of
temporary
quarters.

SEC. 7. The state board of control shall from time to time as presented, examine, audit, and allow all demands arising under this act, and the state controller shall thereupon draw his warrant on the aforesaid San Diego State Teachers College building and improvement fund for all demands for and on account of the purchase of said lands and the improvement of the same, and other expenses connected with the selection of said site and the rent of buildings and grounds for the

Audit and
payment of
claims.

temporary use of said school; and the state treasurer is hereby directed to pay said demands out of the aforesaid San Diego State Teachers College building and improvement fund.

Availability
of fund.

SEC. 8. The money constituting the aforesaid San Diego State Teachers College building and improvement fund shall be available without regard to fiscal years for the purpose of this act from the time of the deposit of the same with the state treasurer as aforesaid.

Gifts and
donations.

SEC. 9. The state director of education, with the approval of the state board of control, is hereby authorized to receive, in behalf of the state, any gifts or donations by any individuals or by the city of San Diego, or by the city board of education of the city of San Diego.

CHAPTER 327.

An act to amend sections one, fifteen, and eighteen and to add a new section, to be numbered nineteen, to "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, as amended.

[Approved by the Governor May 22, 1925.]

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

Stats. 1913,
p. 857,
amended.

SECTION 1. Section one of "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, as amended, is hereby amended to read as follows:

Ventura
School for
Girls
established.

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 Ventura School for Girls.

Stats. 1913,
p. 860,
amended.

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

Transfer 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 Ventura 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 prop-

erty, except such personal property as has been purchased for the express use of the girls, shall revert to the Whittier State School.

SEC. 3. Section eighteen of said act is hereby amended to read as follows: Stats. 1913, p. 861, amended.

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 Ventura School for Girls, but girls so committed shall be kept under the control of the said Ventura 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.

SEC. 4. A new section, to be numbered nineteen, is hereby added to said act to read as follows: Stats. 1913, p. 861, amended.

Sec. 19. Wherever the words "California School for Girls" appear, the words "Ventura School for Girls" are intended, and wherever the words "California School for Girls" are used, full force and effect is intended to be given to the words "Ventura School for Girls." Substitution of new name.

CHAPTER 328.

An act to authorize the state board of health to grant certain money from the fund for the examination and registration of nurses to the regents of the University of California under certified trust for the establishment of a professorship of nursing education.

[Approved by the Governor May 22, 1925.]

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

SECTION 1. The state board of health is hereby authorized and empowered with the approval of the state board of control to enter into an agreement with the regents of the University of California by which not more than seventy thousand dollars from the fund for the examination and registration of nurses shall be granted in trust to the regents of the University of California for the establishment and maintenance of a professorship of nursing education at the University of California at Berkeley. Such agreement shall provide that the fund granted in trust shall not be diminished; that the income from the fund shall be expended for the salary of a professorship of nursing education in said university, and such other conditions as shall be approved by the state board of health and the state board of control. Endowment of professorship of nursing at university.

CHAPTER 329.

An act to amend section twelve of the "general dairy law of California," approved June 15, 1923, and to add thereto a new section to be numbered section twenty-one and one-half, relating to imitation milk, oleomargarine, and renovated butter, prohibiting the use of dairy terms and symbols in connection therewith, and creating the oleomargarine enforcement and dairy control fund.

[Approved by the Governor May 23, 1925.]

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

Stats. 1923,
p. 855,
amended.

SECTION 1. Section twelve of the "general dairy law of California," approved June 15, 1923, is hereby amended so to read as follows:

Imitation
milk.

Sec. 12. (a) Imitation milk is: (1) Any mixture combined with or composed of milk, or any product of milk, and any edible oil or fat, other than natural milk fat whether with or without any other ingredients, except that chocolate when used in combination with either whole or skim milk and sweetening shall not be deemed to be imitation milk. (2) Any mixture or compound made in imitation or semblance or having the appearance or semblance of milk or condensed milk or evaporated milk, or any mixture or compound which is made in imitation or semblance or having the appearance or semblance of milk, condensed milk, or evaporated milk, which imitation or semblance or other characteristic or appearance of said mixture or compound will tend to induce the sale or use of such compound or mixture as and for milk, condensed milk, or evaporated milk, or which mixture or compound is made with the intention of selling or offering to sell such mixture or compound as milk, condensed milk, or evaporated milk. Imitation milk shall contain not less than three per cent of edible oils or fats and, if evaporated or condensed, shall contain not less than seven and eight-tenths per cent of edible oils or fats. The manufacture and sale of imitation milk as herein defined shall, otherwise, be in accordance with chapter fifty-nine of the statutes of 1919.

Oleomar-
garine.

(b) Oleomargarine is the product, article or compound obtained by mixing any fat, oil or oleaginous substance other than milk fat, with milk, skim milk, cream or butter with or without the addition of other substances, which product, article or compound shall be in imitation or semblance of butter in physical consistency, appearance or flavor.

Coloring.

(c) It shall be unlawful to manufacture, sell or offer for sale in this state any oleomargarine colored in imitation or semblance of butter, by whatever means the coloring is accomplished.

Original
packages.

(d) All oleomargarine purchased by retail dealers, or sold or offered for sale by retail dealers, shall be delivered to the customer in cartons or packages in which packed by the manufacturer.

(e) Each and every package or container of oleomargarine Labels. packed, sold, or offered for sale, shall be plainly labeled with the word "oleomargarine" in plain block letters of the English language at least one inch in height when appearing on a box, tub, or other bulk container, and at least one-half inch in height when appearing on a carton, wrapper or other container in which it is supplied to the retail trade. In addition thereto, a label, printed with type not smaller than pica, shall be placed in or on each and every carton, wrapper, tub, box or other container of oleomargarine, giving the names of the ingredients in the finished product, specifying each of the oils or fats used, designated according to their source, giving the percentage of each oil, the collective percentage of other solids, and the percentage of moisture. No person shall deliberately efface, erase or remove any label herein required.

(f) Each license issued in accordance with the provisions License number. of paragraph (i) of this section shall bear a number. The license number and the fiscal year for which the license is issued shall appear upon all labels required by this section. It shall be unlawful for any person, firm, or corporation to permit to appear upon any wall sign required by this section. any words or language except such as are specifically required by this section.

(g) No person by himself, or another, engaged in the manufacture, handling, or sale of oleomargarine shall use in any way in connection with the labeling, advertising or sale of said oleomargarine any word naming a dairy product, or relating to the processes by which dairy products are manufactured or prepared for market, or any other word or designation which is commonly used by the dairy industry relating to dairy products, or any coined or compound word in which any of the words herein prohibited becomes a part, or any word which might be pronounced the same as any of the words or terms herein prohibited though spelled differently, or any picture, symbol, design or other representation which would tend to associate or confuse oleomargarine with any dairy product, or deceive or tend to deceive the public or misrepresent oleomargarine as a product of a dairy or of a factory of dairy products. No person shall color any illustration on any label, or advertising material used in connection with oleomargarine so that it shall resemble a print or "square" of butter, or portion thereof, and no such label shall be used in connection with oleomargarine. Whenever the brand name or a trade mark used to identify any oleomargarine shall appear on a billboard, poster, or other form of advertising, publicity or display material, the word "oleomargarine" shall also appear immediately adjacent thereto, in letters at least one-half the size of the largest letters composing said brand name or included in such trade mark. Trademarks and trade names.

(h) The owner, manager, superintendent or other person in charge of any hospital, hotel dining room, restaurant, boarding house, dining car, and every other place where food is Notices where served or sold.

served to the public, and where oleomargarine is sold, offered for sale, or served to the public, shall cause to be printed in the English language, and maintained, upon all menus and bills of fare, in type not smaller than other type used on such menus or bills of fare, statements that oleomargarine is sold and served in that place. Upon at least two of the walls of all such eating places where oleomargarine is sold, offered for sale, or served, there shall be posted and maintained notices, in plain English letters not less than two inches in height, the words "Oleomargarine Sold Here." All signs posted upon walls as herein required, shall be so placed that they shall be at all times in full view of the public.

Licenses.

(i) It shall be unlawful for any person, firm or corporation to engage in the occupation or business of manufacturing, distributing, selling, dealing in or furnishing oleomargarine to his, its or their patrons, or to use oleomargarine in the manufacture of food stuffs, unless such person, firm or corporation shall have obtained an annual license to do so for each of its separate plants or places of business, from the department of agriculture of the State of California and paid the appropriate license fee as fixed herein. Each application for such license shall be accompanied by a statement showing the name of the applicant, the classification of his or its business, the location of his or its separate places of business and the amount of the license fee for each such separate place of business, within the following classifications: One hundred dollars for manufacturers; fifty dollars for wholesale dealers, receivers, distributors, or the agents thereof; five dollars for retail dealers; two dollars for hotels, restaurants, boarding houses and other places where food is sold and served, and for bakeries. The term "wholesale dealer" as used in this section shall include those who in the usual course of business, sell oleomargarine in quantities of ten pounds or more at a time or in the same transaction. The term "retail dealer" as used in this section shall include those who in the usual course of business, sell oleomargarine in quantities of less than ten pounds at a time, or in the same transaction.

Upon receipt of an application for any of the licenses herein required, when accompanied by the necessary fee, the department of agriculture shall issue a license appropriate for the intended purpose, except that upon application for a manufacturer's license, the department shall first determine that the place of manufacture and materials to be used are clean, sanitary and wholesome. All of the above licenses are subject to revocation by the department of agriculture, after a hearing, for violation of any of the provisions of this act. Said licenses shall regularly expire on the 30th day of June, each year, whereupon they may be renewed upon payment to said department of the fees hereinabove mentioned in each instance, provided that renewal may be denied by said department upon a finding duly made by it, after investigation, and hearing, that during the twelve months next preceding the

fiscal year for which the application for renewal is made, or any part of said period, the applicant had not conducted his or its business in accordance with the provisions of this act. All licenses while in force shall be kept conspicuously displayed in the principal place of business of the licensee. In addition to the license fee hereinabove required, a fee of two cents for each pound of oleomargarine sold each quarter shall be paid quarterly to the department of agriculture by each manufacturer, wholesale dealer or receiver or their agents in any case; *provided*, that said fee of two cents per pound when paid by any manufacturer, wholesale dealer or receiver for any given lot of oleomargarine need not be paid by any subsequent dealer for the same lot or any part thereof; *and provided, further*, that no such fee shall be required for oleomargarine delivered for sale outside the State of California. Each manufacturer and wholesale dealer shall submit monthly to the department of agriculture an alphabetical list of the names and addresses of all persons, firms and corporations to which sales or deliveries of oleomargarine have been made during the preceding month, showing the total amount of oleomargarine which was included in the aggregate transactions in each case for the preceding month or part thereof. Each of said statements shall be verified by an affidavit made by the person submitting it, certifying the correctness of said report. For the purpose of checking such statements, and for the further purpose of carrying out the provisions of this act, the department of agriculture shall have power to examine the books and accounts of persons, firms and corporations required to submit such verified lists and statements.

Revenue
tax.

An aggregate statement of such sales, sworn to by each manufacturer or wholesaler, shall be rendered quarterly to the department of agriculture of the State of California and shall be accompanied by the corresponding amount of such fee of two cents per pound as above specified; *provided*, that the first quarter shall be for the three months ending December 31, 1925, and future quarters shall cover the three months of each year ending March 31, June 30, September 30 and December 31.

Quarterly
statements.

(j) Renovated butter is the product made from impure or rancid butter reduced, for the purpose of cleansing and renovating, to a liquid state by melting and draining off the liquid milk fat and afterwards churning or otherwise manipulating it in connection with milk or any product thereof. Butter made from assembled cream made from pure milk fat (made from nonrancid butter) combined with other wholesome milk products, under special permit from the department of agriculture of the State of California, which otherwise conforms to the standards for butter required by this act, shall not be construed to be renovated butter.

Renovated
butter.

(k) No imitation milk or oleomargarine shall be used in any of the charitable or penal institutions that receive assistance from the state.

State aided
institutions.

Possession.

(l) It shall be unlawful for any person, firm or corporation to have in his or its possession, or under his or its control, except for actual consumption by an individual or member of his family, or to ship, consign, transport or deliver by common carrier, or to take orders for future delivery or sale, or to receive any oleomargarine which does not comply in all respects with all the requirements of this act.

Stats. 1923,
p. 871,
amended.

SEC. 2. A new section to be numbered twenty-one and one-half is hereby added to said act approved June 15, 1923, to read as follows:

Disposition
of fees and
tax.

Sec. 21½. All fees collected under the provisions of this act shall be credited to an "oleomargarine enforcement and dairy control fund," which fund is hereby created, and shall be used by the department of agriculture of the State of California to carry out the purposes of this act.

Effect
of act.

SEC. 3. It is hereby expressly provided that this amendment shall become an integral part of the general dairy law of California and that it shall be read and interpreted in connection with the context of said act as a whole, and that it is subject to the same general provisions relating to unlawful sales, enforcement, violations and penalties, as are provided by said law.

CHAPTER 330.

An act to amend section four hundred fifty-seven of the Political Code, relating to the salaries of the watchmen in the office of the state treasurer.

[Approved by the Governor May 18, 1925.]

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

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

Watchmen.

457. The state treasurer may employ four clerk-watchmen at an annual salary each of one thousand eight hundred dollars.

CHAPTER 331.

An act to amend section three of an act entitled "An act to provide for the appointment of a guardian for the Marshall monument and grounds; prescribing his duties and appropriating money therefor," approved March 31, 1891, as amended, relating to the salary of said guardian.

[Approved by the Governor May 23, 1925.]

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

Stats. 1919,
p. 1352,
amended.

SECTION 1. Section three of an act entitled "An act to provide for the appointment of a guardian for the Marshall monument and grounds; prescribing his duties and appropriat-

ing money therefor," approved March 31, 1891, as amended, is hereby amended to read as follows:

Sec. 3. The guardian shall receive for his services one hundred dollars per month, payable from the state treasury in the same manner as other state officers are paid. Salary of guardian.

CHAPTER 332.

An act to amend the title and sections eight, ten, eleven, twelve, thirteen, fourteen and twenty, of an act entitled "An act providing for the organization, operation, maintenance, and government of water conservation districts, and for the acquisition, appropriation, diversion, storage, conservation, and distribution of water for the irrigating of lands in such districts, for drainage and reclamation connected therewith; and for the generation, disposition, and sale of hydro-electric energy developed incidental to such storage and distribution; and for the acquisition of lands or rights therein and the acquisition, construction, operation, and maintenance of works to carry into effect the provisions of this act; and creating a state board to be known as the 'state irrigation board,' and defining its powers and duties, and the methods and procedure of exercising such powers and duties," approved June 18, 1923, and by adding a new section to be numbered fifteen a, relating to and providing for the levy and enforcement of assessments, the raising of funds and the voting and issuance of bonds for all purposes of this act by water storage districts included as constituent districts or units of water conservation districts, and by adding a new section to be numbered fifteen b, relating to and providing for the levy and enforcement of assessments, the raising of funds and the voting and issuance of bonds for all the purposes of this act by reclamation districts which are included as constituent districts or units of water conservation districts, and by adding a new section to be numbered thirty-seven, relating to and providing for actions or proceedings contesting or attacking the validity of the formation of a water conservation district, the validity of any bond issue provided for in this act, and any election held under the provisions of this act.

[Approved by the Governor May 23, 1925.]

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

SECTION 1. The title of an act entitled "An act providing for the organization, operation, maintenance, and government of water conservation districts, and for the acquisition, appropriation, diversion, storage, conservation and distribution of water for the irrigating of lands in such districts, for drainage and reclamation connected therewith; and for the generation, disposition, and sale of hydro-electric energy developed incidental to such storage and distribution; and for the acqui-

Stats. 1923,
p. 978,
amended.

tion of lands or rights therein and the acquisition, construction, operation, and maintenance of works to carry into effect the provisions of this act; and creating a board to be known as the 'state irrigation board,' and defining its powers and duties, and the method and procedure of exercising such powers and duties," approved June 18, 1923, is hereby amended to read as follows:

"An act providing for the organization, operation, maintenance, and government of water conservation districts, and for the acquisition, appropriation, diversion, storage, conservation, and distribution of water for the irrigating of lands in such districts, for drainage and reclamation connected therewith; and for the generation, disposition, and sale of hydroelectric energy developed incidental to such storage and distribution; and for the acquisition of lands or rights therein and the acquisition, construction, operation, and maintenance of works to carry into effect the provisions of this act; for the inclusion therein of irrigation districts, water storage districts, reclamation districts, drainage districts, and other political subdivisions of the state, as constituent districts or units of said water conservation districts, and the manner of providing funds and the voting and issuance of bonds by such political subdivisions, to carry out the purposes of this act; and creating a state board to be known as the 'state irrigation board', and defining its powers and duties, and the methods and procedure of exercising such powers and duties."

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

SEC. 8. The state irrigation board shall, before making the final order creating a water conservation district, by order duly entered in its minutes, apportion to each constituent district or unit of said water conservation district, the portion to which it is entitled of all the water storage capacity in the proposed reservoir, the waters stored or to be stored or diverted or to be diverted by such project for the irrigation of the lands of the water conservation district, and all power developed or to be developed incidental thereto or in connection therewith, and in making such apportionment it must take into consideration the present water rights and the additional water necessary to perfect the irrigation of the lands of each unit, and the apportionment of power to each unit shall be in the same proportion to the whole as its apportionment of capacity in the reservoir, which proportion of such water and power shall be forever applied to the purpose and for the benefit of such constituent district or unit.

Said board shall likewise in such order determine, define, and apportion to each of such constituent districts or units the proportion of all costs and expenses of the project to be paid by it, including the costs and expenses of said irrigation board in connection therewith, same to be based upon and in proportion to the allotment of water storage capacity, water and power apportioned to each unit plus the benefit of reclama-

Stats. 1923,
p. 983,
amended.

Apportion-
ment of
water, power,
etc.

Costs and
expense.

tion or drainage or flood control to such unit, and to each of such allotments fifteen (15) per cent above the actual estimate shall be added for contingencies. A copy of such order duly certified, shall be served on each of the constituent districts or units by delivering the same to some officer thereof; *and provided*, that nothing herein contained shall be deemed to confer on said state irrigation board or upon any water conservation district formed under the provisions of this act the right to impair or deprive any person, corporation or district of any vested right in or to any water without due process of law.

Service of
order.

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

Stats 1923,
p 984,
amended.

Sec. 10. After making the order of apportionment provided for in section eight hereof the state irrigation board shall make an order directing the governing board of each unit or constituent district to call an election to be held on the one hundred and twentieth day after the making of said order by said irrigation board apportioning the benefits and costs and expenses as herein provided.

Order for
election

Said order of the state irrigation board last above provided for shall contain the name of the proposed water conservation district and shall describe the territory embraced within such proposed water conservation district by naming the constituent units or districts proposed to be joined therein as set forth in the petition to the state irrigation board.

Upon receiving and filing a copy of said order of said state irrigation board duly certified by the secretary of said board, it shall be the duty of the governing board of each of said constituent districts or units by resolution to call said election to be held, as herein provided.

Call.

The secretary of the governing board of each of said constituent districts or units shall give notice of said election, which said notice of such election shall contain the name of the proposed water conservation district and the description of the territory embraced within such proposed water conservation district by naming the constituent districts or units proposed to be joined therein as set forth in the petition to said state irrigation board. Said notice shall also state that there shall be submitted to the electors or voters of each of such units or districts in which such election is held the question as to whether or not a water conservation district shall be organized under the provisions of this act, and shall require ballots to be cast which shall contain the words "Water Conservation District—Yes" and "Water Conservation District—No" or words equivalent thereto, and shall require that said ballots shall also contain the words "Bonds—Yes" and "Bonds—No" or words equivalent thereto, and said notice shall also state the amount of bonds proposed to be issued to pay the proportion of the costs and expenses allotted and apportioned to such constituent district or unit by the state irrigation board in said order. Said notice shall also set forth the date upon which said election is to be held and the time

Notice

of the opening and closing of the polls and shall specify the precincts in the constituent district or unit holding such election, which precincts shall be the same as those established and existing in such constituent district or unit where such election is held; and in the event none are already established and existing, then, prior to the giving of said notice of said election, the same are to be fixed and established for said election by the governing board of the particular district or unit in which the same are not already established and existing.

Polling
places and
boards

The governing board of the constituent district or unit holding said election shall in its resolution calling said election, fix and specify the polling places of each precinct and shall appoint one clerk, one inspector and two judges from the electors thereof for each polling place, who shall constitute a board of election for said precinct. Said polling places and the names of said officers of said election shall be specified in said notice of election. If a governing board fails to appoint a board of election, or the members appointed do not attend at the opening of the polls on the morning of the election, the electors of the precinct present at that hour may appoint the board or supply the place of an absent member thereof.

Publication
of notice.

Said notice shall be posted for at least two weeks prior to the date of election in three public places in each election precinct in each constituent district or unit holding such election, and published for at least once a week for two successive weeks prior to the date of said election in a newspaper of general circulation in each county in which any of the lands of such constituent districts or units are located. At such election there shall be submitted to the electors or voters in each of such units or districts the question whether or not a water conservation district shall be organized under the provision of this act.

Questions
submitted.

At such election there shall also be submitted to the electors or voters in each of such units or districts the question whether or not bonds shall be issued and sold in an amount sufficient to pay its proportion of the costs and expenses allotted and apportioned to such unit by the state irrigation board in said order. The ballots to be cast at said election shall contain the words, "Water Conservation District—Yes" and "Water Conservation District—No" or words equivalent thereto, and said ballot shall also contain the words "Bonds—Yes" and the words "Bonds—No" or words equivalent thereto.

Ballots.

No particular form of ballot shall be required other than as herein specified and any defect or informality in any statement on said ballot shall not invalidate said election.

Certificate.

As soon as all the votes are counted a certificate shall be drawn upon each of the papers containing the poll lists and tallies, or attached thereto, stating the number of votes each proposition voted on has received, which number shall be written in figures and in words at full length. Each certificate shall be signed by the clerk, inspector and one judge. One of said certificates with the poll list and tally paper to which

it is attached, shall be retained by the inspector and preserved by him at least six months. The ballots shall be strung upon a cord or thread by the inspector during the counting thereof, in the order in which they are entered upon the tally lists by the clerks; and said ballots, together with the other of said certificates with the poll list and tally paper to which it is attached, shall be sealed by the inspector in the presence of the judges and clerks and endorsed "Election returns of (name of precinct) precinct", and be directed to the secretary of the governing board of the constituent unit or district in which said vote is cast, and shall be immediately delivered by the inspector, or by some other safe and responsible carrier designated by said inspector, to said secretary and the ballots shall be kept unopened for at least six months; but if any person be of the opinion that the vote of any precinct has not been correctly counted, he may appear on the date appointed for the governing board to open and canvass the returns and demand a re-count of the vote of the precinct that is so claimed to have been incorrectly counted, and no list, tally paper or certificate returned from any election shall be set aside or rejected for want of form if it can be satisfactorily understood.

Returns.

Recount.

The governing board of each constituent unit or district must meet at its usual place of meeting on the second Monday after said election to canvass the returns. If, at the time of meeting, the returns from each precinct in a constituent district or unit in which the polls were opened, have been received, the governing board must then and there proceed to canvass the returns; but if all the returns have not been received the canvass must be postponed from day to day until all the returns have been received, or until six postponements have been had. The canvass must be made in public and by opening the returns and estimating the vote of the district or unit on each proposition submitted and declaring the result thereof.

Canvass.

Except as herein otherwise specified, and as nearly as practicable, all the laws, rules and regulations, and amendments and modifications thereto, governing the manner of conducting and holding elections of the particular constituent district or unit in which the election provided for in this section is held, shall apply to and govern this election.

Conduct of election.

A majority vote in each constituent district or unit shall be required to carry the election in said district or unit in favor of the propositions submitted at said election as to voting of bonds.

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

Stats. 1923, p. 984, amended.

Sec. 11. Within ten (10) days after such election has been held and the result thereof determined, and declared, it shall be the duty of the governing board of each petitioning constituent district or unit, to have the secretary of said governing board certify to the said state irrigation board, the result of such election, and whether or not said bonds have been voted, and whether or not the constituent district or unit

Report to state board.

Order estab-
lishing con-
servation
district.

represented by said governing board, has voted in favor of, or against the organization of said conservation district. Within ten (10) days after the state irrigation board receives the said certificates from all of the petitioning units or districts, said board shall enter an order that a conservation district is established comprising only those districts which have voted both in favor of the organization of said conservation district and in favor of the bonds at the election held for that purpose; *provided*, that such districts represent eighty-five per cent or more of the apportionment of the project as made in accordance with the provisions of section eight of this act.

Said irrigation board shall also in said order apportion to the districts or units voting in favor of organization and for bonds that portion of the water storage capacity and of the waters stored or to be stored or developed, and all power developed or to be developed which it had theretofore apportioned to the districts or units voting against organization or bonds, such apportionment to be made to the districts or units entitled thereto in proportion to the apportionment theretofore made to them.

A certified copy of said order shall be served upon the secretary or other officer of the governing board of each of said constituent districts or units, and a copy thereof, duly certified, shall be recorded by said state irrigation board, in the office of the county recorder of each of the counties in which any of the lands, included in said water conservation district, are situated.

The board of directors of each constituent district or unit shall enter upon its minutes the certified copy of said order so received by it.

Divisions
of district.

The state irrigation board shall also, in said order establishing said water conservation district, divide said water conservation district into three, five, seven, nine or eleven subdivisions, as is most practicable, which said subdivisions shall be designated by number, and in making such subdivisions, the said board shall make the same as nearly equal in acreage as is practicable; *provided, however*, that districts or units or parts thereof, created or formed under different laws or acts of the legislature, shall not be joined or united into one subdivision.

A majority of the votes cast at such election in each particular constituent district or unit shall be required to carry the election in said district or unit in favor of the organization of a water conservation district.

Stats. 1923,
p. 985,
amended.

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

Government
of district.

Sec. 12. Such water conservation district shall be governed by a board of directors consisting of one director elected from each of said subdivisions in the manner herein provided. The state irrigation board shall give notice of an election to be held in each subdivision of such water conservation district within

Election of
directors.

sixty days after the making of said final order establishing said district, for the purpose of electing a director from each subdivision, and shall fix and establish in said notice a convenient number of election precincts in each subdivision of said water conservation district, and define the boundaries thereof, and at least one precinct must be established for each subdivision of said water conservation district. There shall also be designated in said notice, a voting place or places in each subdivision and a board of election consisting of one clerk, one inspector and two judges for each voting place, the names of which said officers of election shall be specified in said notice. Said notice, as to the election in each subdivision, shall be posted in three public places in each election precinct, and published in a newspaper of general circulation published in each county in which any of the lands included within the boundaries of said water conservation district are situated, for at least two weeks prior to the date of said election.

Nominating petitions for directors to be elected at such election shall be filed with the state irrigation board in the manner hereinafter provided for filing of nomination petitions with the board of directors of a water conservation district. Nominations.

As soon as the polls are closed, the election officers shall count votes cast at such election, and a certificate shall be drawn by said election officers stating the number of votes each candidate received, and the result of said election. The certificate as aforesaid shall be signed by an inspector and judge of such election board. The election returns shall be immediately delivered by the inspector or by some other safe and responsible carrier designated by said inspector to the secretary or other officer of the state irrigation board. No returns from election shall be set aside or rejected for want of form if they can be satisfactorily understood. Returns.

On the second Monday after such election the state irrigation board shall meet at its usual place of meeting to canvass the returns. If at the time of the meeting the returns from each precinct in the water conservation district in which polls were opened, have been received, the state irrigation board must then and there proceed to canvass the returns; but if all the returns have not been received, the canvass must be postponed from day to day until all the returns have been received, or until six postponements have been had. The canvass must be made in public and by opening the returns and ascertaining the vote of each subdivision of the water conservation district for each director thereof voted for, and declaring the result thereof. The secretary of the state irrigation board must immediately make out and deliver to each person elected a director of a subdivision of the water conservation district a certificate of election signed by him and authenticated with the seal of said board and shall designate a place within the boundary of the conservation district where the first meeting of said directors shall be held. Canvass.
Certificates
of election.

Stats. 1923,
p. 986,
amended,
Organization
of board
of directors.

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

Sec. 13. The directors of a water conservation district shall at noon on the second Tuesday of the first month after their election and qualification meet and organize as a board, enter upon their official duties, elect one of their members as president and appoint a secretary and a treasurer, neither of whom shall be a member of said board, and all of whom shall hold office at the pleasure of the board. The board shall select and designate an office of the board, which shall be in one of the counties in which any of the lands of the water conservation district is situated, which shall also be the office of the district, at which the board shall thereafter hold its meetings.

The salary of the secretary and the treasurer and the amount of the bond to be given by each for the faithful performance of their duties shall be fixed by the board of directors. The board shall then proceed to classify themselves by lot into two classes as nearly equal in number as possible, and the term of office of the class having the lesser number shall expire at noon on the second Tuesday in March following the next general February election provided for in this section of this act and the term of office of the class having the greater number shall terminate at noon on the second Tuesday in March following the next general election thereafter.

Biennial
elections.

An election which shall be known as the general water conservation district election, shall be held in each water conservation district on the first Wednesday in February of each odd-numbered year at which a successor shall be chosen to each director whose term of office shall expire at noon on the second Tuesday in March next thereafter. The term of office of each director of the district elected after the election on organization provided for in section twelve of this act shall be four (4) years or until his successor is elected and has qualified.

Vacancies.

In case of vacancy in the office of director, the state engineer shall appoint some person qualified by law to fill such vacancy for the unexpired term. No director shall be elected by the water conservation district at large, but one director shall be elected from each subdivision to represent such subdivision.

Each director from each subdivision shall be a freeholder in the subdivision he represents.

A director or any other official of any constituent district or unit shall be eligible to hold the office of director of a water conservation district.

Oath and
bond.

Within ten days after receiving their certificates of election or appointments herein provided for, each member of the board of directors shall take and subscribe the official oath, and file the same in the office of the board of directors, and execute the bond herein provided for. Each member of said board of directors shall execute an official bond in the

sum of \$5,000 which said bond shall be approved by a judge of the superior court of the county in which the office of the board is located, and shall be recorded in the office of the county recorder of such county, and filed with the secretary of said board, except that the official oath and bond of each director elected at the first election of directors shall be filed with the state irrigation board. All official bonds herein provided for shall be in the form prescribed by law for the official bonds of county officers and the premiums thereon may be paid by the water conservation district.

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

Stats. 1923,
p. 987,
amended.

Sec. 14. Not less than ten (10) days before the election of directors any ten (10) or more qualified voters in any subdivision of the water conservation district may file with the board of directors of the water conservation district a petition requesting that a certain person or persons specified in such petition be placed on the ballot as a candidate or candidates for the office named in the petition. The name or names proposed by the various petitions so filed, and no others, shall be printed on the ballot; but there shall be sufficient blank spaces left in which voters may write other names, if they so desire. The petitions shall be preserved in the office of the board of directors of the water conservation district.

Nomination
of directors.

Thirty days before an election to be held under section thirteen of this act the secretary of the board of directors of a water conservation district shall cause notices to be posted in three public places in each election precinct of the time and place of holding the election, and shall also post a general notice of the same in the office of said board, which shall be established and kept at some fixed place to be determined by said board, specifying the polling places of each precinct. Prior to the time for posting the notices, the board must appoint for each precinct from the electors thereof a clerk, an inspector and two judges, who shall constitute a board of election for such precinct. If the board fails to appoint a board of election, or the members appointed do not attend at the opening of the polls on the morning of the election, the electors of the precinct present at that hour may appoint the board, or supply the place of an absent member thereof. The board of directors must, in its order appointing the board of election designate the house or place within the precinct where the election must be held.

Notice of
election.

The ballot used at the election of directors of a water conservation district, after the election of directors on organization, shall be provided by the board of directors of a water conservation district, and one of the judges of election at every election of directors of a water conservation district shall deliver to each of the qualified voters one of the ballots so provided. The ballots to be used in each subdivision for the election of a director from said subdivision shall have printed on them the names of all candidates whose names have

Election
boards.

Ballots.

been filed as provided in this act, with a voting square behind each name; *provided*, that the ballots in each subdivision of the water conservation district shall have on them the names of the persons to be voted for as director to represent that subdivision only.

Returns.

As soon as the polls are closed, the election officers shall count the votes cast at such election, and a certificate shall be drawn by said election officers stating the number of votes each candidate received, and the result of said election. The certificate as aforesaid shall be signed by an inspector and judge of such election board. The election returns shall be immediately delivered by the inspector or by some other safe and responsible carrier designated by said inspector to the secretary or other officer of the water conservation district board. No returns from election shall be set aside or rejected for want of form if they can be satisfactorily understood. The board of directors of the water conservation district must meet at the usual place of meeting on the first Monday after election to canvass the returns. If, at the time of meeting, the returns from each precinct in the district in which the polls were opened have been received, the board of directors must then and there proceed to canvass the returns; but if all the returns have not been received the canvass must be postponed from day to day until all the returns have been received or until six (6) postponements have been made. The canvass must be made in public and by opening the returns and ascertaining the vote of each subdivision of the water conservation district for each director voted for and declaring the result thereof.

Canvass.

The person receiving the highest number of votes in any election held in a subdivision of a water conservation district for the election of directors shall be elected as director.

Certificates.

The secretary of the water conservation district must immediately make out and deliver to each person elected a director of a subdivision of the water conservation district a certificate of election signed by him and authenticated with the seal of said water conservation district.

Conduct of elections.

At all elections held under the provisions of this act, including the election for organization of a water conservation district, the polls shall be opened at eight o'clock a.m. and remain open until six o'clock p.m. The inspector shall be chairman of the election board and may administer all oaths required in the process of an election; and appoint judges, if, during the progress of the election, any judge ceases to act. Any member of the board of election may administer and certify oaths required to be administered during the progress of an election. Before opening the polls, each member of the board must take and subscribe an oath to faithfully perform the duties imposed upon him by law. Any voter of the precinct may administer and certify such oath. The board of directors of a water conservation district shall establish a convenient number of election precincts in each subdivision of a water conservation district and define the boundaries thereof, and at least one

Precincts.

such precinct must be established for each subdivision of said water conservation district, and said board whenever it is deemed advisable for the best interests of said district and the convenience of the voters may at any time, but not less than sixty days before an election to be held in the district, change the boundaries of any such election precincts, which changes when made must be entered upon the minutes of the board.

Except as herein otherwise provided, the manner of conducting and holding elections of a water conservation district, including the first election of directors, the qualifications of voters and the necessary number of votes to carry any proposition submitted at any election, shall be governed, as to each subdivision of said water conservation district, by the same laws, rules and regulations and amendments and modifications thereto of the particular district or districts, or unit or units, composing such subdivision.

SEC. 8. A new section is hereby added to said act, to be numbered fifteen a, and to read as follows:

Stats. 1923, p. 889, amended.

Sec. 15a. Whenever at any election called pursuant to the provisions of section ten of this act the majority of the votes cast in any water storage district unit of a proposed water conservation district shall be in favor of the organization of the proposed water conservation district, and also in favor of said water storage district unit issuing and selling bonds for the purpose of said proposed water conservation district, and the state irrigation board shall enter its order as in this act is provided, that said water conservation district is established, then the said election so held in any such water storage district unit shall be in all respects as effective to authorize a bond issue of any such water storage district unit as an election called and held under section twenty-four of the water storage district act, and the board of directors of such water storage district unit shall cause bonds in the amount stated in the order for such election, to be executed and delivered to the treasurer of said water storage district to the credit of the water conservation district fund of said water storage district unit in the manner and form and to the same effect as though said bonds had been authorized and issued after instead of before an assessment had been levied on the lands within such water storage district benefited by said water conservation district project in the amount stated in said order calling said election, which amount shall be that apportioned to such water storage district in the order of the state irrigation board apportioning to the several units in such proposed water conservation district its proportion of all the costs and expenses of the project of said proposed water conservation district.

Issuance of water storage district bonds authorized at organization election.

The treasurer of such water storage district shall sell said bonds in the manner provided in section twenty-four of said water storage district act, and the proceeds of sale of said bonds shall be placed in the water conservation district fund

Sale of bonds.

of said water storage district. Any sale by such treasurer and delivery of the bonds thereunder shall be conclusive evidence in favor of the purchaser and all subsequent holders of the bonds, that such sale was made upon due authority and notice.

Assessment
of costs.

Whenever the state irrigation board shall have made its order that a water conservation district is established, with one or more water storage district units therein, the state engineer shall forthwith appoint three commissioners in each such water storage district unit, whose duty it shall be to assess the proportion of the costs of the water conservation district project apportioned to such water storage district unit by the state irrigation board in its final order of apportionment upon the benefited lands within such water storage district unit which shall be done in the same manner and with the same effect as though said project had been approved by a majority of the votes cast at an election called and held as provided in section nineteen of said water storage district act. The state irrigation board shall furnish the board of directors of each water storage district unit two correct copies of the report and estimate required to be kept on file in the office of the state irrigation board by section seven of this act and of the order required to be made by section eight of this act, and the said commissioners shall receive from the board of directors of the water storage district unit one of said copies in the place of the detailed plans, specifications and estimates of the costs of the project provided to be delivered to them by section nineteen of the water storage district act, and the rolls prepared by said commissioners when completed shall be accompanied by the written report of the commissioners wherein is set out with particularity the exact nature and quantum of the benefits so assessed to the benefited lands of the district in the project of such water conservation district apportioned and allotted to each such tract of land in said water storage district unit, including any benefits through any drainage or reclamation work connected therewith. In such report lands embraced within a comprehensive area or a political subdivision of the state may be referred to generally as lands lying within such area or subdivision without further description. In other respects said rolls and report, and proceedings with relation thereto up to the filing of the same with the county treasurer, shall conform as near as may be to the requirements of said section nineteen of said water storage district act.

Charges
assessed a
lien.

When the board of directors of such water storage district unit shall file with the county treasurer of a county within such district the assessment list or roll as finally approved as provided in said water storage district act, the charges assessed thereby upon the several tracts of land within the county shall constitute a lien thereon, which shall be prior to all other liens except state, county and municipal taxes, and assessments or taxes levied or assessed by or under statutory authority, and shall impart notice thereof to all persons.

All moneys collected by a county treasurer upon any assessment levied as in this section provided, including all moneys derived from the sale of land for delinquent installments or from redemption thereof, or from sale of lands bought by such treasurer at any such sale as trustee of the water conservation district bond fund of the water storage district, shall be by such treasurer forthwith paid into the county treasury of the county from which the same arose, to the credit of a water conservation district bond fund which shall be created by such water storage district, and shall be used exclusively for the payment of principal and interest of said bonds issued on account of said water conservation district bond fund. Where bonds of such water storage district have been issued as herein provided, no act or conduct on the part of the board of directors of said water storage district or any officer mentioned in said water storage district act, or in this act, shall invalidate any assessment herein authorized to be made after the same shall have become a lien in the manner herein provided.

Disposition
of moneys
collected.

It is the purpose of this section to provide that any water storage district which may become a unit in a water conservation district, may authorize a bond issue as in this act provided, before it shall have levied an assessment upon the benefited lands in said water storage district, and that it may thereafter, by proceedings hereunder, levy an assessment upon the benefited lands to secure the payment of the bonds so issued as herein provided, and this section shall be liberally construed to accomplish that purpose.

Purpose
of section.

Sec. 9. A new section is hereby added to said act, to be numbered fifteen b, and to read as follows:

Stats. 1923,
p. 989,
amended.

Sec. 15b. Whenever at any election called pursuant to the provisions of section ten of this act the majority of the votes cast in any reclamation district unit of a proposed water conservation district shall be in favor of the organization of the proposed water conservation district, and also in favor of said reclamation district unit issuing and selling bonds in the amount allotted and apportioned to it by said state irrigation board for the purposes of said proposed water conservation district, and the state irrigation board shall enter its order, that said water conservation district be established, then the said election so held in any such reclamation district units shall be and the same is as effective to authorize the issuance of said bonds of any such reclamation district unit as an election called and held under section three thousand four hundred eighty of the Political Code, and the board of trustees of such reclamation district unit shall cause bonds in the amount stated in the order for such election, to be executed and delivered to the treasurer of the county in which said reclamation district or the larger part thereof is situated in the manner and form provided by section three thousand four hundred eighty of the Political Code, and to the same effect as though said bonds had been authorized and issued after

Issuance of
reclamation
district bonds
authorized at
organization
election.

instead of before an assessment had been levied on the lands within said reclamation district benefited by said water conservation district project. Said bonds and the proceeds thereof shall be held by said treasurer to the credit of said reclamation district in a fund to be known and designated as the water conservation district fund.

Sale of
bonds.

The treasurer of said county shall sell said bonds in the manner provided in section three thousand four hundred eighty of the Political Code for the sale of the bonds of a reclamation district, and the proceeds of the sale of said bonds shall be placed in the treasury of said county to the credit of the water conservation district fund of said reclamation district. Any sale by such treasurer and delivery of the bonds thereunder, shall be conclusive evidence in favor of the purchaser and all subsequent holders of bonds that such sale was made upon due authority and notice.

Assessment
of costs.

Whenever the state irrigation board shall have made its order that a water conservation district is established with one or more reclamation district units therein, the board of supervisors of the county in which the said reclamation district or the greater part thereof is situated, shall forthwith appoint three (3) commissioners in each such reclamation district unit, who shall qualify as provided in section three thousand four hundred and fifty-five of the Political Code. Said commissioners shall assess the proportion of the costs of the water conservation district project apportioned to such reclamation district unit by the state irrigation board in its final order of apportionment upon the benefited lands within such reclamation district unit, which shall be done in the same manner and with the same effect as though the plan or plans of said water conservation district project had been prepared and approved in the manner provided in section three thousand four hundred fifty-five of the Political Code, and no hearing on said plans shall be held by, and no approval of said plans shall be required or made by either the reclamation board of the Sacramento and San Joaquin drainage district or by the board of supervisors of the main county of said reclamation district, but the said election held in said reclamation district unit pursuant to the provisions of this act shall constitute a final approval of said project and of the part therein apportioned to said reclamation district unit.

Report and
estimate.

The state irrigation board shall furnish the board of trustees of each reclamation district unit three (3) correct copies of the report and estimate required to be kept on file in the office of the state irrigation board by section seven, and three (3) copies of the order required by section eight of this act. Said board of trustees shall file one of each of said copies of said report and order with the secretary of said reclamation district, one each of said copies with the clerk of the board of supervisors of the main county of said reclamation district, and the said commissioners shall receive from the board of trustees of the reclamation district unit one of said copies

of said report and order in place of the plan or plans of the works of reclamation, and the estimation of the costs of the contemplated works of the district provided to be made and reported to the board of supervisors by section three thousand four hundred fifty-five of the Political Code.

Said commissioners shall thereupon view and assess upon the land within said reclamation district unit the said sum apportioned to such reclamation district unit by the state irrigation board in its final order of apportionment, and shall apportion the same according to the benefits that will accrue to each tract of land in said irrigation district unit respectively by reason of the expenditures of said sums of money, and shall estimate the same in gold coin of the United States, and shall file with the clerk of the board of supervisors of the main county of said reclamation district an assessment list in the manner and form required by the Political Code for reclamation district assessments where the reclamation district is situated wholly outside of the Sacramento and San Joaquin drainage district. In addition to the matters required by the Political Code to be set forth in said assessment lists, said commissioners shall set forth in said lists the proportionate right of each assessed parcel of land in the share of said reclamation district unit in the project of said water conservation district.

Assessment lists.

The said board of supervisors shall thereupon appoint a time for hearing objections to the report and assessment lists of said commissioners; cause notice of said time and place of said hearing; hear and act on objections filed thereto until the amount of each assessment shall finally be fixed; shall then make an order approving said report and assessment list and shall endorse such order upon said assessment lists, which said endorsement shall be signed by the chairman of said board of supervisors and attested by the clerk thereof, all in the manner and form required by section three thousand four hundred sixty-two of the Political Code for hearing, equalizing, adjusting and finally determining assessments of reclamation districts, and such decision of said board of supervisors shall be final and thereafter said assessment list shall be conclusive evidence that the said assessment list has been made and levied according to law, except in an action commenced as provided in section three thousand four hundred sixty-two of the Political Code. The assessment lists shall then be filed with the county treasurer or if the reclamation district is situated in more than one county, then the original list must be filed with the county treasurer of the county where the greater portion of the lands of said district is situated, and copies thereof certified by the treasurer must be filed with the treasurer of each of the other counties. When the board of supervisors shall have finally taken action modifying or approving any assessment lists as provided herein and in section three thousand four hundred sixty-two of said Political Code, the charges assessed thereby upon tracts of land within

Action of supervisors.

Lists to be filed.

the county shall constitute a lien thereon and shall impart notice thereof to all persons, and in the event of the conveyance of a part of a tract of land in said district and in the absence of any provision in the instrument conveying the same, said lands so conveyed shall be deemed to share ratably in the benefits apportioned to the entire tract.

Collection of assessments.

The sums so assessed must be collected and paid into the county treasury, as in section three thousand four hundred eighty of the Political Code provided, and be placed by the treasurer to the credit of the water conservation district fund of said reclamation district unit for the purpose of paying the principal and interest of such bonds and for no other purpose. All proceedings for the sale of lands for delinquent assessments and the redemption of such lands shall be in accordance with the provisions of section three thousand four hundred eighty of the Political Code.

Bonds validated.

Where bonds of such reclamation district unit have been issued as provided herein, no act or conduct on the part of the board of trustees of said reclamation district or any officer mentioned in article two, chapter one, title eight, part three of the Political Code or this act shall invalidate any assessment herein authorized to be made after the same shall have become a lien in the manner provided herein; but such trustees may be compelled by mandate or other proper proceedings to perform their duties as required by law.

Purpose of section.

It is the purpose of this section to provide that any reclamation district which may become a unit in a water conservation district may authorize a bond issue as in this act provided, before it shall have levied an assessment upon the benefited lands in said reclamation district, and that it may hereafter, by proceedings hereunder, levy an assessment upon the benefited lands to secure the payment of the bonds so issued as herein provided, and this section shall be liberally construed to accomplish that purpose.

Stats. 1923, p. 893, amended.

SEC. 10. Section twenty of said act is hereby amended to read as follows:

Constituent districts may issue bonds.

Sec. 20. Each of the constituent districts or units of a water conservation district is hereby expressly authorized to vote, issue and sell its bonds for the purposes herein provided in this act, and said bonds are to be in all respects of the same force and effect, and of the same priority as a lien on property as other bonds voted, issued and sold by such constituent district or unit under the particular law or laws governing the voting, issuance and sale of bonds by such constituent district or unit.

Apportionment of cost.

The board of directors of a water conservation district shall estimate and determine, in the manner provided in section twenty-four hereof, the amount of money required by such board of directors of the total sum originally voted by all of the constituent districts or units, and said board of directors shall thereupon apportion and allot to each of said constituent districts or units its proportion of the cost of said project.

Said apportionment shall be made upon the same basis as was provided for in the original apportionment of the cost made by the state irrigation board, and thereupon said board of directors shall, by resolution duly adopted and entered upon the minutes of said board, make requisition upon each of said constituent districts or units for its proportion of said cost, and a copy of said resolution, duly certified to, shall be served upon the secretary or other officer of the governing board of each constituent district or unit.

SEC. 11. A new section is hereby added to said act, to be numbered thirty-seven and to read as follows:

Stats. 1923,
p. 989,
amended.
Limitation
of actions.

Sec. 37. Actions or proceedings contesting or attacking the validity of the formation of a water conservation district can only be commenced within thirty days from the date of the making by the state irrigation board of the final order establishing such water conservation district, as provided in section eleven hereof.

Actions or proceedings attacking or contesting the validity of any bond issue provided for in this act can only be commenced within thirty days after the declaration of the result of such election at which such bonds were voted.

Except as herein provided, actions or proceedings attacking or contesting any election under the provisions of this act can only be commenced within thirty days after the declaration of the result of such election.

CHAPTER 333.

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

[Approved by the Governor May 23, 1925.]

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

SECTION 1. Section thirty-two of an act entitled "An act to divide the State of California into fish and game districts," and to repeal an act entitled "An act to divide the State of California into fish and game districts and to repeal an act entitled 'An act to divide the State of California into six fish and game districts.' approved March 21, 1911, and all acts or parts of acts inconsistent herewith," approved May 28, 1917, as amended, is hereby repealed.

Stats. 1917,
p. 1047,
repealed.

CHAPTER 334.

An act appropriating money to pay the claim of Vreeland, Everts & Co.

[Approved by the Governor May 23, 1925.]

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

Appropriation: claim of Vreeland, Everts & Co.

SECTION 1. The sum of thirty-two dollars (\$32) is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of Vreeland, Everts & Co. against the State of California.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of Vreeland, Everts & Co. for said sum, and the state treasurer is hereby authorized and directed to pay the same.

CHAPTER 335.

An act providing for the taking over by the State of California of a certain road in the county of Del Norte, and declaring the same to be a state highway and for the maintenance and improvement of the same as a state road or state highway, and authorizing the board of supervisors of Del Norte county to convey said road to the State of California.

[Approved by the Governor May 23, 1925.]

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

Del Norte county authorized to transfer road to state.

SECTION 1. The board of supervisors of the county of Del Norte, State of California, is hereby authorized to transfer and convey unto the State of California that certain road situate in the said county of Del Norte, and described as follows:

Commencing at a point where the Redwood highway of the state of Oregon intersects the common boundary line between the state of Oregon and the State of California, and running thence in a southerly direction along the course of the right of way of the present county road or highway through Smith river valley, thence crossing Smith river at the present county bridge or site most feasible to connect with the present county road on the south bank of Smith river, thence along the present county road or highway by the acreage leased the California highway commission for repair shop sites by the county of Del Norte and connecting at Crescent City with the Redwood highway, a distance of approximately twenty-two miles; and the board of supervisors of the county of Del Norte, State of California, is hereby authorized to execute on the part of said county of Del Norte, a deed to the State of California to carry into effect such transfer and conveyance.

Road to become state highway.

SEC. 2. Upon the execution and delivery of said deed, the said public highway hereinbefore referred to is hereby declared

to be a state highway and placed under the management, jurisdiction and control of the California highway commission, and said commission is hereby authorized and directed to accept said deed and said road on behalf of the State of California as a state highway.

The said California highway commission is hereby authorized to survey, construct, maintain and reconstruct said road by the most direct and practical route.

CHAPTER 336.

An act to add a new section to be numbered twenty-one a to an act entitled "An act creating a state commission on voting machines, defining their powers, and providing for their use at the option of indicated local authorities of voting machines for receiving and registering the vote of one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the immediate result of such elections; and providing for the punishment of all violations of the provisions of this act," approved May 3, 1923, relating to the use of voting machines.

[Approved by the Governor May 23, 1925.]

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

SECTION 1. A new section to be numbered section twenty-one a is hereby added to an act entitled "An act creating a state commission on voting machines, defining their powers, and providing for their use at the option of indicated local authorities of voting machines for receiving and registering the vote of one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the immediate result of such elections; and providing for the punishment of all violations of the provisions of this act," approved May 3, 1923, and to read as follows:

Stats. 1923,
p. 181,
amended.

Sec. 21a. Before proceeding to canvass the returns of an election at which ballot machines have been used to register the votes cast thereat, the board authorized to canvass such returns shall unseal such machines and take off and record the records of votes cast for the several candidates voted for and for and against the several propositions voted upon. Each machine shall immediately be resealed as provided in sections nineteen and twenty hereof.

Taking
record of
votes cast.

CHAPTER 337.

An act to amend section ten and one-half of an act entitled "An act to regulate the practice of optometry; to provide for the appointment of a board of optometry, define its duties and powers and prescribing a penalty for the violation of

this act," approved June 16, 1913, as amended, relating to the practice of optometry.

[Approved by the Governor May 23, 1925.]

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

Stats. 1923,
p. 385,
amended.

SECTION 1. Section ten and one-half of an act entitled "An act to regulate the practice of optometry; to provide for the appointment of a board of optometry, define its duties and powers, and prescribing its duties and powers, and prescribing a penalty for the violation of this act," approved June 16, 1913, as amended, is hereby amended to read as follows:

Acts
declared
unlawful.

Sec. 10½. It shall be unlawful for any person:

1. To sell or barter, or offer to sell or barter any certificate of registration issued by the state board of optometry; or

2. To purchase or procure by barter any such certificate of registration with intent to use the same as evidence of the holder's qualification to practice optometry; or

3. To alter with fraudulent intent in any material regard such certificate of registration; or

4. To use or attempt to use any such certificate of registration which has been purchased, fraudulently issued, counterfeited or materially altered, as a valid certificate of registration; or

5. To practice optometry under a false or assumed name; or

6. To wilfully make any false statement in a material regard in an application for an examination before the state board of optometry or for a certificate of registration; or

7. To practice optometry in the State of California without having at the time of so doing a valid unrevoked certificate of registration as an optometrist; or

8. To advertise by displaying a sign or otherwise or hold himself out to be an optometrist or optician without having at the time of so doing a valid unrevoked certificate of registration from the said state board of optometry.

9. To dispense, replace or duplicate an ophthalmic lens or ophthalmic lenses without a prescription or order from a duly licensed physician and surgeon, oculist or optometrist; *provided*, that this act shall not be construed so as to prevent a duly licensed physician and surgeon, oculist or optometrist from filling a prescription, prescriptions, order or orders under the provisions of this act; *provided, further*, that this act shall not be construed so as to prevent the replacing, duplicating or repairing of an ophthalmic lens or ophthalmic lenses, or the replacing, duplicating or repairing of the frames or fittings thereof by the person or persons qualified to write or fill prescriptions or orders under the provision of this act; *and, provided, further*, that the provisions hereof shall not be construed so as to prevent an optical mechanic from doing the merely mechanical work upon such lenses, or upon the frames or fittings thereof. An ophthalmic lens, within the meaning of this act shall be any lens which has a spherical or cylindrical or prismatic power or value.

CHAPTER 338.

An act to amend section number four thousand two hundred thirty-two of the Political Code, relating to the compensation of officers in counties of the third class.

[Approved by the Governor May 23, 1925.]

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

SECTION 1. 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:

Counties of
3d class:
salaries and
fees of
officers.

1. The county clerk, five thousand dollars per annum; *pro-* Clerk.
vided, that in counties of this class there shall be and there hereby are allowed to the county clerk one chief deputy whose salary is hereby fixed at the sum of three thousand six hundred dollars per annum; one deputy to act as judgment clerk, whose salary is hereby fixed at the sum of two thousand seven hundred dollars per annum; one deputy to act as assistant judgment clerk, whose salary is hereby fixed at the sum of two thousand four hundred dollars per annum; one deputy to act as assistant clerk of the board of supervisors, whose salary is hereby fixed at the sum of three thousand dollars per annum; one deputy to act as chief registration clerk, whose salary is hereby fixed at the sum of two thousand four hundred dollars per annum; one deputy to act as chief entry clerk, whose salary is hereby fixed at the sum of two thousand four hundred dollars per annum; nine deputies to act as court clerks, whose salaries are hereby fixed at the sum of two thousand two hundred twenty dollars per annum each; one deputy to act as chief clerk of general business, whose salary is hereby fixed at the sum of two thousand four hundred dollars per annum; one deputy to act as chief naturalization clerk, whose salary is hereby fixed at the sum of two thousand seven hundred dollars per annum; fourteen deputies, whose salaries are hereby fixed at the sum of two thousand one hundred sixty dollars per annum each; one deputy, whose salary is hereby fixed at the sum of one thousand nine hundred eighty dollars per annum; two deputies, whose salaries are hereby fixed at the sum of one thousand six hundred twenty dollars per annum each; three deputies, whose salaries are hereby fixed at the sum of one thousand five hundred dollars per annum each. All of the foregoing deputies herein provided for, shall be appointed by the county clerk of said county, and their salaries shall be paid by the county in equal monthly installments at the same time and in the same manner and out of the same fund as is the salary of the county clerk.

It is further provided, that in counties of this class there shall be and there hereby are allowed to the county clerk such additional deputies as he may appoint and whose compensation shall not exceed in the aggregate the sum of fifteen thousand dollars for each two-year period beginning with the first

day of January in each even numbered year; also such additional deputies, in each year in which a presidential primary election is held, as he may appoint and whose compensation shall not exceed in the aggregate the sum of two thousand five hundred dollars; also such additional deputies, in the event of a special election being held within the county, as he may appoint and whose compensation shall not exceed in the aggregate the sum of two thousand five hundred dollars. All of the foregoing deputies in this paragraph provided for shall be appointed by the county clerk of said county and their salaries shall be paid monthly at the same time and in the same manner and out of the same fund as is the salary of the county clerk.

It is further provided, that in counties of this class there shall be and there hereby are allowed to the county clerk, for service in each even numbered year and for not to exceed thirty days prior to the closing of registration for any special election held in an odd numbered year and conducted by the board of supervisors, such additional deputies as may be necessary for registering electors of the county, and said deputies shall be paid eight cents for the registration of each elector legally registered by him or her in the same manner as other county claims are paid.

It is further provided, that in counties of this class there shall be allowed to the county clerk costs of transportation incurred in connection with elections, claims for such costs to be paid in the same manner as other county claims are 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, one undersheriff, whose salary is hereby fixed at the sum of three thousand six hundred dollars per annum; three deputies whose salaries are hereby fixed at the sum of two thousand seven hundred dollars per annum each; one chief jailer whose salary is hereby fixed at the sum of two thousand four hundred dollars per annum; three deputies, who shall act as detectives whose salaries are hereby fixed at the sum of two thousand four hundred dollars per annum each; twenty-five deputies whose salaries are hereby fixed at the sum of two thousand one hundred sixty dollars per annum each; two engineers for the jail whose salaries are hereby fixed at the sum of two thousand two hundred eighty dollars per annum each; one matron for the jail whose salary is hereby fixed at the sum of one thousand eight hundred dollars per annum; one assistant matron for a period of not to exceed two weeks in any one year and to serve only during the vacation of the matron, whose salary is hereby fixed at the sum of seventy-five dollars for such two weeks; *provided, further*, that all the foregoing deputies and assistants of such sheriff herein provided for shall be appointed by the sheriff and their salaries shall be paid by the said county in equal monthly installments at the same time and in the same manner

and out of the same fund as the salary of the sheriff; the sheriff shall also receive the amount of money necessarily expended by him in serving all process and notices and all expenses necessarily incurred by him in the pursuit of criminals and the same shall be a charge against the county and allowed as such by the board of supervisors and paid as other county charges are paid.

3. The recorder, five thousand dollars per annum; *provided*, Recorder. that in counties of this class there shall be and there hereby is allowed to the recorder the following deputies and copyists who shall be appointed by the recorder of such county and who shall be paid salaries and compensations as follows: One chief deputy whose salary is hereby fixed at the sum of three thousand six hundred dollars per annum; twenty-four deputies whose salaries are hereby fixed at the sum of two thousand one hundred and sixty dollars per annum each; *provided*, *further*, that the salaries of the deputies herein provided for shall be paid by the said county in equal monthly installments, at the same time and in the same manner and out of the same fund as the salary of the recorder; *provided*, *further*, that in counties of this class, the recorder shall be entitled to the actual cost incurred by him for the recording of all papers, documents and records in his office not to exceed seven and three-fourths cents per folio for long hand recording and not to exceed six cents per folio for 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 amounts paid to each for such recording.

4. The auditor, five thousand dollars per annum; *provided*, Auditor. that in counties of this class there shall be and there hereby is allowed to the auditor, one chief deputy, whose salary is hereby fixed at the sum of three thousand six hundred dollars per annum; one deputy to act as accountant whose salary is hereby fixed at the sum of two thousand four hundred dollars per annum; one deputy to act as redemption clerk whose salary is hereby fixed at the sum of two thousand one hundred sixty dollars per annum; one deputy to act as warrant clerk whose salary is hereby fixed at the sum of two thousand one hundred sixty dollars per annum; four deputies whose salaries are hereby fixed at the sum of two thousand one hundred sixty dollars per annum each; one deputy to act as stenographer whose salary is hereby fixed at the sum of one thousand six hundred twenty dollars per annum; and such additional assistants during the period in each year from July first to December thirty-first as the auditor may appoint and whose compensation shall not in the aggregate exceed the sum of two thousand five hundred dollars per annum; *and provided*, *further*, that the auditor shall file with the county clerk, a sworn statement showing in detail the amounts paid and the persons to whom such compensation is paid for such extra assistants as aforesaid; *provided*, *further*, that the

deputies and assistants herein provided shall be appointed by the auditor of said county and their salaries paid by the said county in equal monthly installments, at the same time and in the same manner and out of the same fund as is the salary of the auditor.

Treasurer.

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

Tax collector.

6. The tax collector, five 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 three thousand six hundred dollars per annum; one deputy who shall act as chief clerk whose salary is hereby fixed at the sum of two thousand seven hundred dollars per annum; one deputy who shall act as cashier whose salary is hereby fixed at the sum of two thousand four hundred dollars per annum; one deputy who shall act as assistant cashier whose salary is hereby fixed at the sum of two thousand four hundred dollars per annum; eleven deputies whose salaries are hereby fixed at the sum of two thousand one hundred sixty dollars per annum each; *provided, further*, that there shall be and there hereby is allowed to the tax collector three extra deputies for a period not to exceed eight months in any one year at a salary of one hundred fifty 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 fifty 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 fifty dollars per month each; *provided, further*, that in counties of this class the tax collector shall appoint six persons to be known as indexers and whose duties it shall be under the supervision and direction of the tax collector to compile, make out and

complete an index of the assessment roll of the county, and of the sanitary assessment rolls for each sanitary district in counties of this class yearly, as soon as the said rolls are completed by the assessor of the county, and each assessor of said sanitary districts and for each year thereafter. The said indexes to be a public record for use of the tax collector and the general public and to be kept in the office of the tax 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 fifty dollars per month each, payable at the same time and in the same manner as other county officers are paid, but such indexers shall not be employed to exceed four months in any one year; *provided, further*, that the chief deputy and all other deputies and assistants herein provided for shall be appointed by the tax collector of said county, and the salaries of said chief deputy and all other deputies and assistants herein provided for, shall be paid by said county at the same time and in the same manner and out of the same fund as the salary of the tax collector.

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

8. The assessor, seven thousand dollars per annum and necessary traveling expenses in the performance of the duties of his office; *provided*, that in counties of this class there shall be and there is hereby allowed to the assessor the following assistants and deputies who shall be appointed by the assessor and paid salaries as follows: One assistant assessor whose salary is hereby fixed at the sum of three thousand six hundred dollars per annum; one chief deputy whose salary is hereby fixed at the sum of three thousand dollars per annum; two deputies whose salaries are hereby fixed at the sum of two thousand seven hundred dollars per annum each; two deputies whose salaries are hereby fixed at the sum of two thousand four hundred dollars per annum each; twenty-eight deputies whose salaries are hereby fixed at the sum of two thousand one hundred sixty dollars per annum each; two deputies for a period not to exceed six months in any one year whose salaries are hereby fixed at the rate of one hundred sixty-six and two-thirds dollars per month each; eighteen deputies for a period not to exceed five months in any one year whose salaries are hereby fixed at the sum of one hundred fifty dollars per month each; and such additional deputies as the assessor may appoint and whose compensation shall not in the aggregate exceed the sum of four thousand dollars per annum; *provided*, that the assessor shall file with the county auditor a verified statement showing in detail the amount paid and the persons to whom such compensation is paid for such extra assistants as aforesaid; *provided, further*, that the number of deputies, not to exceed four, which are assigned by the assessor to do field work outside of incorporated cities Assessor.

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

Attorney.

9. The district attorney, six thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the district attorney the following assistants, deputies and employees who shall be appointed by the district attorney, and who shall be paid salaries as follows: Two assistant district attorneys whose salaries are hereby fixed at the sum of three thousand six hundred dollars per annum each; one chief deputy district attorney whose salary is hereby fixed at the sum of three thousand three hundred dollars per annum; one deputy whose salary is hereby fixed at the sum of three thousand three hundred dollars per annum; four deputies whose salaries are hereby fixed at the sum of three thousand dollars per annum each; two deputies whose salaries are hereby fixed at the sum of two thousand seven hundred dollars per annum each; two deputies whose salaries are hereby fixed at the sum of two thousand four hundred dollars per annum each; one deputy to act as bond and warrant clerk in addition to his other duties whose salary is hereby fixed at the sum of two thousand one hundred sixty dollars per annum; two deputies whose salaries are hereby fixed at the sum of two thousand four hundred dollars per annum each, whose duty it shall

be in addition to performing services as deputies district attorney to attend the sessions of the police courts in cities of the second class and conduct on behalf of the people all prosecutions for public offenses of which said police court shall have jurisdiction; one clerk whose salary is hereby fixed at the sum of two thousand one hundred sixty dollars per annum; one clerk and private exchange operator whose salary is hereby fixed at the sum of one thousand two hundred dollars per annum; one stenographer whose salary is hereby fixed at the sum of two thousand one hundred dollars per annum; four stenographers whose salaries are hereby fixed at the sum of one thousand six hundred twenty dollars per annum each; one detective who shall assist the district attorney in the detection of crime and prosecution of criminal cases whose salary is hereby fixed at the sum of three thousand dollars per annum; two detectives who shall assist the district attorney in the detection of crime and prosecution of criminal cases whose salaries are hereby fixed at the sum of two thousand one hundred sixty dollars per annum each; one process server whose salary is hereby fixed at the sum of two thousand one hundred sixty dollars per annum; *and, provided, further,* that nothing herein contained shall be construed as preventing the board of supervisors of counties of this class from employing special counsel in civil cases when the judgment of said board determines the interests of said counties to require it. The salaries of said assistant district attorneys, deputies, and all other persons in this subdivision provided for, shall be payable by the county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the district attorney is paid.

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

person shall have been caused by the criminal act of another such stenographer shall make a copy of the transcript of the testimony and proceedings taken at said inquest for the use of the district attorney of said county; in all inquests so reported the fees for transcribing as provided herein shall be paid out of the county treasury upon the order of the coroner. When such testimony is taken down by such stenographer as herein set forth his transcription thereof duly certified to by him shall constitute the deposition of the witnesses testifying at such inquest so reported by such stenographer. The autopsy physician and surgeon, deputies, and stenographer herein provided for shall be appointed by the coroner and their salaries shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same fund as the salary of the coroner is paid.

Public ad-
ministrator.

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

Supt. of
schools.

12. The superintendent of schools, five thousand dollars per annum; *provided*, that during the term of office of the present incumbent the salary of the superintendent of schools shall be four thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the superintendent of schools, one assistant superintendent of schools whose salary is hereby fixed at the sum of three thousand dollars per annum; one chief deputy whose salary is hereby fixed at the sum of two thousand four hundred dollars per annum; three deputies whose salaries are hereby fixed at the sum of two thousand one hundred sixty dollars per annum each; *provided, further*, that in each year the superintendent of schools in counties of this class shall be and he is hereby allowed such additional deputies and assistants as he may require and whose compensation in the aggregate shall not exceed five hundred dollars in any one year; said assistants and deputies shall all be appointed by the said superintendent of schools of said county and their salaries shall be paid in equal monthly installments out of the same fund and in the same manner as the salary of the superintendent of schools is paid. In counties of this class the superintendent of schools shall receive his actual and necessary traveling expenses for visiting and examining schools and school properties of the county and in performance of such other duties as are incident to the full discharge of the requirements of the office of superintendent of schools.

Surveyor.

13. The surveyor, five thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the surveyor one chief deputy whose salary is hereby fixed at the sum of three thousand six hundred dollars per annum; one stenographer whose salary is hereby fixed at the sum of one thousand six hundred twenty dollars per annum. The salary of such surveyor shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same fund as the

salaries of other county officers are paid. All work which the surveyor is directed or charged to perform by law, or by order of the board of supervisors of such county, shall be performed by the surveyor at actual cost; *provided, however,* that on all such work other than block book work hereinafter provided for, transit men and office men when actually engaged on such county work shall receive a per diem of not to exceed fifteen dollars, and chainmen when actually engaged in such county work shall receive a per diem of not to exceed six dollars; *and provided, further,* that for the making, platting, tracing or otherwise preparing maps, plats or block books for the use of the county or any municipality within such county there shall be and there hereby is allowed to the surveyor the following draughtsmen who shall be paid salaries as follows: Two draughtsmen whose salaries are hereby fixed at the sum of two thousand seven hundred dollars per annum each; two assistant draughtsmen whose salaries are hereby fixed at the sum of two thousand four hundred dollars per annum 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 and nature of work performed, the dates, amounts paid to assistants and paid for expenses. The salary herein fixed for said surveyor shall be in lieu of all other fees, commissions or compensations of whatever kind or nature for services performed by said surveyor for said county. The deputy and all persons herein provided for shall be appointed by the surveyor and their salaries shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same fund as are the salaries of county officers of counties of this class.

14. Justices of the peace shall each receive the following monthly salaries, to be paid each month in the manner and out of the same fund as county officers are paid which salaries shall be in full for all services rendered by such justices of the peace; in townships having a population of more than one hundred thousand, five thousand two hundred dollars per annum; in townships having a population of seventy-five thousand and less than one hundred thousand, four thousand dollars per annum; in townships having a population of twenty thousand and less than seventy-five thousand, three thousand dollars per annum; in townships having a population of fifteen thousand and less than twenty thousand, two thousand seven hundred dollars per annum; in townships having a population of less than fifteen thousand, two thousand one hundred dollars per annum; *and provided, further,* that each justice of the peace must keep a book, open for the inspection of the public during office hours, in which must be entered at once in detail the amount of all fees and fines collected by

Justices of
the peace.

him as such justice of the peace and on the first Monday of each and every month he must pay such fees and fines so collected into the county treasury or city treasury as provided by law; *and provided, further*, that the board of supervisors of counties of the third class shall furnish each justice of the peace with a suitable office in which to hold court and shall also furnish the necessary furniture, books, blanks and supplies for said court; *and provided, further*, that in townships having a population of more than one hundred thousand, there shall be one justice's clerk, whose salary is hereby fixed at the sum of two thousand four hundred dollars per annum, two deputy justice's clerks whose salaries are hereby fixed at the sum of two thousand one hundred sixty dollars per annum each, and one deputy justice's clerk whose salary is hereby fixed at the sum of one thousand eight hundred dollars per annum, said clerk and deputy clerks shall be appointed by the justice of the peace of said township, or justices, if more than one, and shall perform such duties as are required of them by law or the justice or justices of said township, the salaries of said clerk and deputy clerks shall be payable in equal monthly installments out of the same fund and in the same manner and at the same time as the salary of the justices of the peace is paid; *and provided, further*, that in townships having a population of more than seventy-five thousand and less than one hundred thousand there shall be one justice's clerk, who shall be appointed by the justice of the peace of said township, or justices, if more than one, and who shall perform such duties as are required of him by law or the justice or justices of said township, the salary of said clerk is hereby fixed at the sum of two thousand four 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. For the purpose of this section the population of townships in counties of this class is hereby determined to be the population of such townships as shown by the federal census taken in the year anno Domini one thousand nine hundred and twenty. Any increase of salary of any justice of the peace as herein provided shall become effective at the earliest date or dates permitted by the constitution.

Constables.

15. Constables shall each receive the following monthly salaries to be paid each month in the same manner and out of the same fund as other county officers are paid which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than one hundred thousand, one hundred sixty-six and two-thirds dollars; in townships having a population of seventy-five thousand and less than one hundred thousand, one hundred fifty dollars; in townships having a population of twenty thousand and less than seventy-five thousand, one hundred fifty dollars; in townships having a population of fifteen thousand and less than twenty thousand, two hundred dollars; in townships having a population of less than fifteen thousand, one hun-

dred seventy-five dollars. In addition to the compensation received in criminal cases each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil cases; *provided*, that in counties of this class constables shall be, and they are hereby allowed such expenses as are actually and necessarily incurred by them in conveying prisoners to and from the county jail, such expenses to be itemized and presented as a claim against the county and to be audited and allowed by the board of supervisors and paid out of the county treasury in the same manner as are other claims. For the purpose of this section the population of townships in counties of this class is hereby determined to be the population of such townships as shown by the federal census taken in the year anno Domini one thousand nine hundred twenty; *provided, further*, that in townships having a population of more than one hundred thousand, the board of supervisors of counties of the third class shall furnish each constable with a suitable office and supplies for said office. Any increase in the salary of any constable as herein provided shall not become effective during the term of office of any present incumbent.

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

17. The county librarian, three thousand dollars per annum, payable at the same time and in the same manner and out of the same fund as the salaries of other county officers; *provided*, that the board of supervisors may appoint all necessary employees for the county library as provided by law. The county librarian shall also be allowed actual and necessary traveling expenses. Librarian.

18. The sealer of weights and measures, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the sealer Sealer of weights and measures.

of weights and measures one chief deputy whose salary is hereby fixed at the sum of two thousand seven hundred dollars per annum; and such other deputies as may be appointed in accordance with law whose salaries are hereby fixed at the sum of two thousand four hundred dollars per annum each; *provided, further*, that the salaries of said sealer of weights and measures, said chief deputy, and all other deputies shall be paid by said county at the same time and in the same manner and out of the same fund as the salaries of other county officers; said chief deputy and deputies to be appointed as provided by law.

Effective.

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

CHAPTER 339.

An act to amend an act known as the "water commission act" and entitled "An act to regulate the use of water which is subject to such control by the State of California, and in that behalf creating a state water commission; specifying and providing for the appointment of the members of said commission; fixing the terms of office and compensation of the members of said commission; fixing the powers, duties and authority of said commission and its members; providing for the filling of vacancies in the membership of said commission; providing for the removal from office of the appointed members of said commission; providing for the cooperation of courts with said commission; providing that certain courts shall take judicial notice of certain acts of the state water commission; specifying the duties of all persons summoned as witnesses before said commission or any of its members; appropriating money for carrying out the provisions of this act; providing for the payment of the indebtedness and expenses of said commission, its members and employees; declaring what water is unappropriated; providing for the utilization of water and the works necessary to such utilization to the full capacity of streams or of such portion or portions of such capacity as the public good may require; declaring what water may be appropriated; declaring that the nonapplication for ten consecutive years of any portion of the waters of any stream to lands riparian to such stream shall be conclusive presumption that the use of such nonapplied water is not needed on said riparian lands for a useful or beneficial purpose; declaring that such nonapplied water shall be deemed to be in the use of the state and subject to appropriation; declaring the duties of those who desire to appropriate water; declaring the periods for which water may be appropriated and the conditions under which water may be appropriated; providing for the payment of fees and charges by the applicants for permission to appropriate water and by the appropriators of water; providing for the ascertainment and adjudication

of water rights; providing for the bringing of actions by certain persons, or, upon the direction of the state water commission, by the attorney general, for the quieting of title to water rights; specifying certain duties of the claimants, possessors or users of water or water rights; declaring water rights forfeited under certain conditions; regulating the appropriation of water; excepting cities, cities and counties, municipal water districts, irrigation districts and lighting districts from certain provisions of this act; defining certain words and terms used in this act; repealing all acts or parts of 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, as amended, by amending sections seven, sixteen, seventeen, eighteen, nineteen and thirty-nine thereof and by adding a new section thereto to be numbered ten a, relating to water investigations, records of diversion and use, and distribution of water.

[Approved by the Governor May 23, 1925.]

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

SECTION 1. Section seven of an act known as the "water commission act" and entitled "An act to regulate the use of water which is subject to such control by the State of California, and in that behalf creating a state water commission; specifying and providing for the appointment of the members of said commission; fixing the terms of office and compensation of the members of said commission; fixing the powers, duties and authority of said commission and its members; providing for the filling of vacancies in the membership of said commission; providing for the removal from office of the appointed members of said commission; providing for the cooperation of courts with said commission; providing that certain courts shall take judicial notice of certain acts of the state water commission; specifying the duties of all persons summoned as witnesses before said commission or any of its members; appropriating money for carrying out the provisions of this act; providing for the payment of the indebtedness and expenses of said commission, its members and employees; declaring what water is unappropriated: providing for the utilization of water and the works necessary to such utilization to the full capacity of streams or of such portion or portions of such capacity as the public good may require; declaring what water may be appropriated; declaring the nonapplication for ten consecutive years of any portion of the waters of any stream to lands riparian to such stream shall be conclusive presumption that the use of such nonapplied water is not needed on said riparian lands for a useful or beneficial purpose; declaring that such nonapplied water shall be deemed to be in the use of the state and subject to appropriation; declaring the duties of those who desire to appropriate water; declaring the periods for

Stats. 1913.
p. 1017.
amended.

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, as amended, is hereby amended to read as follows:

Rules.

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, to appoint and remove at its pleasure a secretary or chief clerk who shall have charge of its books and records, who shall have authority to certify under the seal of said commission all copies of orders, applications, permits, licenses, certificates or other records of said commission, who shall have authority to attest under the seal of said commission all records, transcripts, evidence, and other original documents which it is necessary to so authenticate, who shall 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, and may designate such of its employees as it may deem advisable to be examiners who shall have power to act as referees and to conduct hearings on behalf of said commission, to administer oaths, examine witnesses, issue subpoenas and receive evidence, under such rules and regulations as the commission may from time to time adopt.

Secretary or
chief clerk.

Examiners.

Stats. 1921,
p. 444,
amended.

Application
for permit.

SEC. 2. Section sixteen of said act, approved June 16, 1913, as amended, is hereby amended to read as follows:

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 proscribed above, the height of dam, the capacity of reservoir, and the use to be made of the impounded waters, except, that for storage underground these additional requirements as to height of dam and capacity of reservoir shall be given as near as may be; 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.

As soon as practicable after the receipt of an application for a permit to appropriate water the state water commission shall issue a notice of the application which notice shall be in such form as it may prescribe and shall specify the number of the application, the name and address of the applicant, the date of filing, the source of supply, the amount applied for, the diversion season named, the use to be made, the location of the point of diversion, the location of the place of use, the date of issuance thereof and such other information as the state water commission may deem necessary; said notice shall state that protests against the approval of said application may be filed within sixty days from the date of issuance of said notice or within such further time as the state water commission may, for good cause shown, allow; and said notice shall contain appropriate general information as to what protests against the approval of said application shall contain in order to accord with the requirements of law and the rules and regulations of the water commission. Upon receipt of notice of an application applicant shall forthwith cause same to be published as directed by the water commission; said notice shall be published at the expense of the applicant within fifteen days of the date of issuance of said notice and in a newspaper having a general circulation and published within the county wherein the point of diversion or a point of diversion lies but in case there is no newspaper published within the county then said publication of notice shall be made in a newspaper having a general circulation within said county; and publication of said notice shall be

Notices of
application.

made at least once a week for three consecutive weeks and proof thereof shall be filed by the applicant within sixty days from the date of issuance of said notice and shall be by copy of the notice as published attached to and made a part of the affidavit of the publisher or foreman of the newspaper publishing same; *provided, however*, that notice of an application for three cubic feet per second or less or for two hundred acre feet of storage per annum or less shall be given by posting and mailing. Upon the date of issuance of notice of such an application the state water commission shall mail three copies thereof to the applicant by registered mail and shall also send a copy by registered mail to each party who may be known to said commission and in its judgment interested in said application because of ownership or location within the vicinity of said proposed appropriation. Applicant shall post notice within fifteen days of the date of issuance thereof in at least two conspicuous places in the locality to be affected by said proposed appropriation. Notices given by mailing and posting shall state that protests may be filed within forty days from date thereof or within such further time as the state water commission may, for good cause shown, allow. Proof of posting shall be by affidavit of the applicant or the party posting notice on behalf of applicant and shall be filed within forty days from date of issuance of notice.

Protests.

Any person, firm, association, or corporation interested may within the time allowed in the notice of application or within such further time as may, for good cause shown, be allowed by said water commission file with said commission a written protest against the approval of said application, which protest shall state the name and address of the protestant; shall be signed by the protestant, his agent or attorney; shall clearly set forth the protestant's objections to the approval of the application; and shall contain such other appropriate information and be in such form as may be provided in the rules and regulations of said water commission.

Notice of hearing.

A notice of hearing upon a protested application shall be given by mailing notice not less than twenty days before the date of hearing and shall be mailed to both the applicant and protestant by registered mail and shall state the names of parties applicant and protestant, the time and place fixed for the hearing and such other appropriate information as may be deemed advisable by the state water commission.

Change of point of diversion.

At any time after notice of an application is given as above provided, if an applicant, permittee or licensee desires to change the point of diversion or place of use from the point of diversion or place of use specified in the application, permit or license, such change may be made only upon the permission of the state water commission; *provided*, that before granting such permission, such petitioner must establish, to the satisfaction of the state water commission, and such commission must so find that such change in the point of diver-

sion, or place of use will not operate to the injury of any legal user of such waters before permitting such change in the point of diversion or place of use. After filing a petition for permission to make such a change, the petitioner, in case the commission so requires, shall cause notice thereof to be given or published in such manner as may be prescribed by the commission and if at any time prior to the granting of such permission a protest is filed with the state water commission against allowance of the proposed change in point of diversion, or place of use, the state water commission shall fix a time and place for the hearing of said petition and of the objections thereto, and upon such hearing the said commission shall grant or refuse, as the facts shall warrant, such permission to change the point of diversion or place of use.

SEC. 3. Section seventeen of said act, approved June 16, 1913, as amended, is hereby amended to read as follows:

Stats. 1913,
p. 1022,
amended.
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. And said applicant shall be allowed sixty days after notice of such 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 application shall be rejected and cancelled, 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

Priority of
right.

Amended
application.

Payment of
fees.

days after service of notice of such approval, personally or by registered mail, on the applicant, unless within said period of thirty days the fees due upon issuance of said approval or permit as provided in this act are paid to the state water commission, and unless said payment of fees shall have been made within said time the state water commission shall forthwith revoke said approval or permit and reject said application.

Stats. 1913,
p. 1023,
amended.

SEC. 4. Section eighteen of said act, approved June 16, 1913, as amended, is hereby amended to read as follows:

Time limits
on construction
work.

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 and the utilization of water for beneficial purposes 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 and the water applied to beneficial use 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 specified in the permit for beginning construction work or the period specified in the permit for completion of construction work, or the period specified in the permit for application of the water to beneficial use or any or all of these periods may, for good cause shown, be extended by the state water commission. And if such work be not so commenced, prosecuted and completed, or the water applied to beneficial use as contemplated in the permit, 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.

Revocation
of permit.

Review
of order.

Stats. 1913,
p. 1023,
amended.

SEC. 5. Section nineteen of said act, approved June 16, 1913, as amended, is hereby amended to read as follows:

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 as soon as practicable thereafter cause to be made a full inspection and examination of the works constructed and the use of water therefrom, and shall determine whether the construction of said works and the use of water therefrom 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 as has been found by inspection to have been applied to beneficial use. Said license shall be in such form and shall contain such terms 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 and the use of water therefrom, that the construction and condition of said works and the use of water therefrom 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 eleven, one thousand twelve, and one thousand 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.

Report on
completion
of project.

Inspection.

License.

May refuse
license.

Review of
order.

In every case wherein a license for the appropriation of water shall have been issued by the state water commission prior to September 1, 1925, it shall be the duty of said com-

Filing of
copies of
licenses and
orders with
recorders.

mission to file a true copy of said license in the office of the county recorder of that certain county wherein the point of diversion specified in said license lies or in case there are points of diversion lying in more than one county then in each of those counties wherein a point of diversion lies and in case the place or places of use specified in said license are in different counties than the point or points of diversion then a true copy of said license shall also be filed by the state water commission in the county or counties wherein the place or places of use lie. Also, as to those licenses issued prior to September 1, 1925, it shall be the duty of the state water commission to file with the respective county recorders true copies of all orders allowing a change in point of diversion or place of use, revoking a license, or otherwise affecting a license which may have been entered by said commission prior to September 1, 1925.

As to licenses for the appropriation of water issued by the state water commission on or after September 1, 1925, a true copy of each license issued or of each order allowing a change in point of diversion or place of use or otherwise modifying or changing a license shall within thirty days after service of notice thereof upon the licensee, either personally or by registered mail, be filed by said licensee in the office of the recorder of that certain county wherein the point of diversion specified in said license lies or in case there are points of diversion lying in more than one county then in each of those counties wherein a point of diversion lies and in case the place or places of use specified in said license are in different counties than the point or points of diversion then a true copy of said license or order shall also be filed by said licensee in the county or counties wherein the place or places of use lie; *provided, however*, that whenever an order revoking a license in whole or in part shall have become final a true copy of said order revoking said license in whole or in part shall be filed promptly by the state water commission in the office or offices wherein a copy of the license affected is on file or in case the order of revocation shall have been modified by a court the order as finally decreed by the court shall be filed as herein provided. Whenever a copy is to be filed by the licensee, a certificate of such filing by the county recorder shall be filed with the state water commission by or on behalf of said licensee within fifteen days after said filing and if the filings herein provided for be not made by said licensee or on his behalf as directed all rights of appropriation under the license affected shall cease and determine and the state water commission shall forthwith enter its order revoking said license.

Sec. 6. Section thirty-nine of said act, approved June 16, 1913, as amended, is hereby amended to read as follows:

Sec. 39. Water or the use of water which shall hereafter be, or which has heretofore been, appropriated under the provisions of this act for one specific purpose, shall not be deemed to be appropriated or acquired for any other or

Stats. 1913,
p. 1032,
amended.

Water
appropriated
for specific
purpose.

different purpose. Any person, firm, association or corporation applying to the state water commission for a permit to appropriate water or the use of water shall state in the application for said permit the specific purpose to which it is proposed to put such water or the use thereof. Any applicant, permittee, or licensee desiring to change purpose of use of water heretofore or hereafter appropriated under the provisions of this act shall proceed as provided in section sixteen of this act in the matter of petitions to change points of diversion or places of use and changes in purpose of use shall be subject to the provisions of law provided in section sixteen of this act relative to changes in points of diversion and places of use.

SEC. 7. Said act, approved June 16, 1913, as amended, is hereby amended by adding thereto a new section to be numbered ten *a* and to read as follows:

Stats. 1913,
p. 1017,
amended.

Sec. 10*a*. The state water commission is hereby authorized and empowered to conduct investigations of streams, stream systems, lakes or other bodies of water or any portions of any streams, stream systems, lakes, or other bodies of water; to investigate either or both surface and underground water conditions; to collect records of diversion and use of water; to supervise distribution of water in accordance with agreements therefor; and to do all or any of such work either independently or in cooperation with one or more persons, firms, associations, corporations or other agencies, including county, state, and federal agencies.

Additional
powers of
commission.

CHAPTER 340.

An act to amend an act entitled "An act to conserve the fish supply in California by empowering the fish and game commission to regulate and control the handling of fish or other fishery products for the purpose of preventing deterioration or waste; to establish grades to which the fish or other fishery products offered for delivery to canners or preservers or to the fresh fish market must conform; to make regulations to insure the proper handling and delivery of fish or fishery products to canners, preservers or fresh fish dealers; to regulate and control the use of fish or other fishery products for reduction purposes, and to provide penalties for any violation of any of the provisions of this act," approved May 25, 1919, as amended.

[Approved by the Governor May 23, 1925.]

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

SECTION 1. An act entitled "An act to conserve the fish supply in California by empowering the fish and game commission to regulate and control the handling of fish or other fishery products for the purpose of preventing deterioration

Stats. 1919,
p. 1203,
and 1921,
p. 458,
amended.

or waste; to establish grades to which the fish or other fishery products offered for delivery to canners or preservers or to the fresh fish market must conform; to make regulations to insure the proper handling and delivery of fish or fishery products to canners, preservers or fresh fish dealers; to regulate and control the use of fish or other fishery products for reduction purposes, and to provide penalties for any violation of any of the provisions of this act," approved May 25, 1919, as amended, is hereby amended to read as follows:

Jurisdiction
over fish
industries.

Section 1. The fish and game commission is hereby vested with jurisdiction to regulate and control fishing boats, barges, lighters or tenders, receptacles or vehicles containing fish, commercial fishermen, fish canners, packers or preservers, fish reduction plants, plants where any fishery products are manufactured, dealers in fish, mollusks or crustaceans or other fishery products, in so far as it may be necessary to insure the taking, catching and delivery of the fish or other fishery products in a wholesome and sanitary condition to canning, packing, preserving, or reduction plants, or any plant where fishery products are manufactured, or to any fresh fish dealer, and to prevent deterioration and waste of any products or of any fishery products. Any fish and game commissioner or assistant or employee of the fish and game commission shall have the authority to enter any canning, packing, preserving or reduction plant, or place of business where fish or other fishery products are packed, preserved, manufactured, bought or sold, or to board any fishing boat, barge, lighter, tender, or vehicle or receptacle containing fish, for the purpose of carrying out the provisions of this act, and any person denying such right of entry shall be guilty of a misdemeanor.

Establish-
ment of
grades.

Sec. 2. The fish and game commission may establish grades for different varieties of fish or other fishery products, which said grades must be reached and conformed to by the commercial fishermen who deliver fish or other fishery products to canners, packers or preservers of fish or to fresh fish dealers, or to a reduction plant, and every canner, packer or preserver of fish or fish dealer or owner of reduction plant, or manufacturer of fish products, must conform to such grade.

Regulations.

Sec. 3. The fish and game commission is hereby vested with full power, authority and jurisdiction to make and enforce such regulations as may be necessary or convenient for carrying out any power, authority or jurisdiction conferred under this act.

"Reduction
plant."

Sec. 4. (a) Reduction plant—where used in this act, applies to any plant engaged in the reduction of fish into products which are not intended to be used, and are not, in fact, used for human consumption. Any plant where fish are put through a reduction or extraction process shall be deemed to be a reduction plant, and shall be subject to all provisions and limitations of this act, unless a permit shall have been obtained as in this act provided.

(b) Packer, where used in this act, means any person, firm, association or corporation using fish by canning, or preserving by the common method of drying, salting or smoking.

"Packer."

(c) Wet weight, where used in this act, means the weight of the round, whole fish, uncleaned.

"Wet weight."

(d) Hearings—Wherever, in this act, hearings are required to be held by the fish and game commission, the following notice and method shall be used: Notice of time, and place shall be served on the party interested at least five days before the date of hearing. At such time and place designated in said notice testimony under oath shall be taken by any member of the board of fish and game commissioners or by any assistant or employee, designated by them, who shall have the power to administer oaths, take affidavits and issue subpoenas for the attendance of witnesses. The testimony shall be taken down in shorthand and transcribed and shall contain all rulings and offers of evidence whether or not the same are permitted.

Hearings.

Each witness at the hearing shall be allowed for his appearance the same fees and mileage allowed by law to a witness in a civil case and the amount shall be paid, together with the costs of advertising by the party making application for a permit.

Witness fees.

Sec. 5. No person, firm or corporation shall suffer or cause any preventable deterioration or waste of any fish caught or taken in the waters of this state, or brought into this state, and no person shall use any fish except fish offal in a reduction plant, except of the species, in the manner and to the amount allowed by the provisions of this act.

Disposal of waste.

(a) It shall be lawful for a packer of sardines, actually engaged in packing sardines, to take and use in a reduction plant in each calendar month, sardines to the amount of twenty-five per cent of the monthly capacity of the packing plant; such capacity shall be determined by the fish and game commission after a hearing is held, as in this act provided. In determining such capacity, the fish and game commission must take into consideration and base its findings upon the following facts, namely:

Use of sardines in reduction plant.

The number of can closing machines for one pound oval cans of sardines actually installed in said plant and ready for and intended to be used therein during the season immediately following the making of the application hereinafter mentioned; *provided*, that the other equipment of said plant necessary for canning to the capacity of said closing machines is likewise installed and ready for operation. For each closing machine so installed the fish and game commission shall make a monthly allowance of sardines to be used in the reduction plant of one hundred fifty tons for each calendar month.

Prior to each seasonal run of sardines, packers shall make written applications to the fish and game commission to hold a hearing and determine such capacity.

Products fit
for human
consumption.

In order to regulate plants other than packing plants and reduction plants, where by a reduction or extraction process, the fish or the oil therefrom is manufactured into products which are fit for human consumption, the fish and game commission shall have the powers hereby granted to make a determination as to whether the products of such plants are intended to be used for human consumption. It shall be unlawful for any person, firm, association or corporation, except packers as above specified, by a reduction or extraction process to use sardines without obtaining a permit from the fish and game commission.

Application
for permit.

In order to obtain such permit, written application must be filed with said fish and game commission, setting forth the quantity of fish to be used, the location of the plant, process used and the nature of products to be manufactured out of the sardines to be received.

Hearing.

Thereupon the fish and game commission shall hold a hearing and the applicant shall furnish proof that the product to be manufactured out of such fish is fit for human consumption, is intended so to be used, and will, in fact, be used for human consumption and that either fifty per cent of the wet weight of such fish or all of the oil extracted from such fish will be used in the manufacture of such product within the State of California. If the commission is satisfied that the product so to be manufactured is fit for human consumption,

Issuance of
permit.

and will, in fact, be used entirely for human consumption and that either fifty per cent of the wet weight of the fish will be used in the manufacture of such product or that all of the oil to be extracted from such fish will be so used, and within the State of California, then the commission shall issue a permit authorizing applicant to use in its said plant the quantity of fish requested in said application for the purposes therein specified. If at any time it shall appear to the commission that neither fifty per cent of the wet weight of the fish received at said plant under such permit nor all of the oil extracted from such fish is being used to manufacture within the State of California a product fit for human consumption or that all of the product manufactured at said plant from such fish under said permit is not being used entirely for human consumption then the commission shall issue an order requiring the permittee to show cause before the commission at a time and place to be fixed by said commission why said permit should not be revoked. The time of the hearing shall be not less than five days after the service of said order to show cause. At such hearing, the commission shall take testimony and if the commission finds that any of the terms of the permit have been violated, it may revoke said permit or suspend the same for such period of time as to it may seem proper.

Revocation or
suspension
of permit.

Review of
order.

Within thirty days after the rendition of an order by the fish and game commission refusing or revoking a permit, any party affected 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 order inquired into and determined.

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 may be continued. No new or additional evidence may be introduced in such court, but the cause shall be heard on the record of the commission as certified to by it. The review shall not be extended further than to determine whether:

1. The commission acted without or in excess of its powers.
2. The order was procured by fraud.
3. The order was unreasonable.
4. Whether the findings of fact support the order under review.

The findings and actions of the commission on questions of fact shall be conclusive and final and shall not be subject to review. 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 or setting aside the order, or may remand the case for further proceedings before the commission.

The provisions of the Code of Civil Procedure in this state relating to writs of review shall, so far as applicable and not in conflict with this act, apply to the proceedings of the courts under this section. No court of this state, except the supreme court and district court of appeal, to the extent herein specified, shall have jurisdiction to review, reverse, correct or annul any order or decision 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 court of appeal in all proper cases.

The filing of the application for, or the pendency of the writ of review shall not of itself stay or suspend the operation of the order 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 of the commission subject to review upon such terms and conditions as it may by order direct.

Sec. 6. The use of any fish or any part thereof contrary to the provisions of this act is hereby declared to be a nuisance. Whenever the existence of such nuisance is shown to the satisfaction of the court or judge thereof by complaint filed in the name of the people of the State of California, the court or judge shall allow a temporary writ of injunction to abate and

Nuisance
and its
abatement.

prevent the continuance or recurrence of such nuisance. If the existence of a nuisance be established in an action as provided herein, an order of abatement shall be entered as part of the judgment in the case, which order shall direct the closing of the building or place where such nuisance was maintained for a period of three months, and during such time, said building or place shall be and remain in the custody of the court.

Chutes,
tanks, etc.,
to be open
to inspection.

Sec. 7. All chutes or conveyors used for the purpose of conveying fish or fish offal to any tank, bin or receptacle, and all such tanks, bins or receptacles containing fish or fish offal to be used for reduction purposes must be so constructed and maintained that at all times the fish or fish offal thereon or therein is open to view and inspection. Any violation of this section is hereby declared to be a misdemeanor.

CHAPTER 341.

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

[Approved by the Governor May 23, 1925.]

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

Stats. 1923,
p. 93,
amended.

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

Real estate
broker.

Sec. 2. A real estate broker within the meaning of this act is a person, copartnership or corporation who, for a compensa-

tion, sells, or offers for sale, buys, or offers to buy, or negotiates the purchase or sale or exchange of real estate, or who, for compensation, negotiates loans on real estate, leases, or offers to lease, or negotiates the sale, purchase, or exchange of leases, rents, or places for rent, or collects rent from real estate, or improvements thereon, for others as a whole or partial vocation. A real estate salesman within the meaning of this act is one who for a compensation is employed by a licensed broker to sell, or offer for sale, or to list, or to buy, or to offer to buy, or to negotiate the purchase or sale or exchange of real estate, or to solicit for prospective purchasers of real estate, or to negotiate a loan on real estate, or to lease, or to negotiate the sale, purchase or exchange of leases, or offer to lease, rent or place for rent, any real estate, or improvements thereon, as a whole or partial vocation. The provisions of this act shall not apply to any person, copartnership or corporation who shall perform any of the acts aforesaid with reference to property owned by such person, copartnership or corporation; nor shall the provisions of this act apply to persons holding a duly executed power of attorney from the owner, nor shall this act be construed to include in any way the services rendered by an attorney at law in performing his duties as such attorney at law; nor shall it be held to include any receiver, trustee in bankruptcy, or any person acting under order of any court, nor to a trustee selling under a deed of trust. One act, for a compensation of buying or selling real estate of or for another, or offering for another to buy or sell or exchange real estate, or negotiating a loan on or leasing or renting or placing for rent real estate, or collecting rent therefrom shall constitute the person, copartnership or corporation making such offer, sale or purchase, exchange or lease, or negotiating said loan, or so renting or placing for rent or collecting said rent a real estate broker or salesman within the meaning of this act.

Real estate
salesman.

Application
of act.

Act consti-
tuting person
etc., a
broker.

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

Stats. 1919,
p. 1259,
amended.

Sec. 17. Any person or corporation acting as a real estate broker or real estate salesman within the meaning of this act without a license as herein provided shall, upon conviction thereof, if a person, be punished by a fine of not to exceed five hundred dollars, or by imprisonment in the county jail for a term not to exceed six months, or by both such fine and imprisonment in the discretion of the court; or if a corporation, be punished by a fine of not to exceed five thousand dollars.

Penalty for
acting with-
out license.

CHAPTER 342.

An act to amend an act entitled "An act to authorize the issuance and sale of bonds of the Sacramento and San Joaquin drainage district based upon assessments levied by the reclamation board upon lands in said district," approved May 27, 1919, by adding one new section thereto

to be numbered fifty-nine, said new section relating to and authorizing the issuance of refunding bonds.

[Approved by the Governor May 23, 1925.]

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

Stats. 1019,
p. 1112,
amended.

SECTION 1. A new section is hereby added to an act entitled "An act to authorize the issuance and sale of bonds of the Sacramento and San Joaquin drainage district based upon assessments levied by the reclamation board upon lands in said district," approved May 27, 1919, to read as follows:

Refunding
bonds.

Sec. 59. The reclamation board may refund the whole or any part of the installments of the principal of any bond issue now or hereafter outstanding in manner as follows:

Call for
special
election.

Whenever in the judgment and opinion of the reclamation board it would be for the best interests of that part of the Sacramento and San Joaquin drainage district affected by the assessment or the issuance of bonds or the landowners therein to refund any installment or installments of any outstanding bonds of said district or any portion of said installment or installments, the reclamation board, may, by order entered upon the minutes of said board, order a special election to be held at some place in that part of said Sacramento and San Joaquin drainage district affected by said assessment or the issuance of said bonds, to be designated by the reclamation board at which said election shall be submitted to the owners of land in said part affected thereby, the question of whether or not any installment or installments of the outstanding bonds of said district or any part of any said installment or installments, shall be refunded. Said order of the reclamation board for said special election shall set forth the maturities and rate of interest of said refunding bonds, the date and the total amount of the principal thereof, and also the portion of each installment of the bonds which are to be refunded. The principal of the refunding bonds shall not exceed the installment or installments or the part of an installment which is to be refunded.

Conduct of
election.

For the purposes of said election, polling places shall be designated, boards of election shall be appointed, notices of election shall be given, and said election shall be conducted in the manner provided in sections eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three and twenty-four of this act.

Ballots.

The ballot cast at such election shall contain the words "Refunding bonds—Yes," or the words "Refunding bonds—No," and also the signature of the person casting the ballot, with the number of votes cast by such voter. If a ballot is cast by proxy, it shall also contain the name of the landowner for whom the ballot is cast and the signature of the person casting the said vote as such proxy. A list of the ballots cast shall be made by the board of election, containing the name of each voter, and if the ballot be cast by proxy, the name of the person casting it, and the number of votes cast by each,

and whether the same be cast for or against the issuing of the refunding bonds.

Vacancies in the board of election shall be filled, and the oath to be taken and subscribed by the members of such board shall be in the form provided in section twenty-six of this act.

The polls shall be kept open, the votes shall be canvassed, and contests of election shall be begun in the manner provided by section twenty-seven of this act.

If a majority of the votes cast at such election are in favor of the issuance of such refunding bonds, the reclamation board shall cause refunding bonds of the Sacramento and San Joaquin drainage district in the amount stated in said order calling such election, to be prepared and executed and delivered to the state treasurer. Said refunding bonds shall be of the denomination of not less than one hundred dollars nor more than one thousand dollars each. They shall be signed by the president of the reclamation board and attested by the secretary of said board with the seal of said board affixed thereto, and shall be numbered consecutively in the order of their maturity and shall bear date either January first or July first, and shall bear interest at a rate to be fixed by the order of the board for issuance of refunding bonds not to exceed six per cent per annum, payable semiannually on the first day of January and the first day of July in each year, at the office of the state treasurer, upon presentation of the proper coupons therefor. Coupons for each installment of interest shall be attached to said refunding bonds and shall bear the facsimile signature of the state controller.

Issuance of bonds where vote is favorable.

The principal of said refunding bonds shall by an order of said board, entered in its minutes, be made payable on the first day of July, or the first day of January and in such years as the board may prescribe, but such refunding bonds shall be payable serially within fifty years from their date, in such manner and amounts as may be prescribed by the reclamation board.

Payable.

Said refunding bonds may be substantially in the following form:

Form of refunding bonds.

UNITED STATES OF AMERICA.

State of California.

No.-----

\$-----

SACRAMENTO AND SAN JOAQUIN DRAINAGE DISTRICT.

Sacramento and San Joaquin drainage district, in the State of California, for value received, hereby acknowledges itself indebted to and promises to pay to the holder hereof at the office of the state treasurer of the State of California, on the first day of -----, 19--, the sum of ----- dollars in gold coin of the United States of America, with interest thereon in like gold coin from date hereof until paid at the rate of ----- per cent per annum, payable at the office of said state treasurer semiannually on the first day of January and the first day of July in each year on presentation and

surrender of the interest coupons hereto attached. This bond is one of a series of refunding bonds of like tenor and effect, except as to denomination and maturity, numbered from ----- to -----, inclusive, amounting in the aggregate to \$-----, issued in accordance with an act of the legislature of the State of California approved May 27, 1919, as amended, authorizing the same and are issued for the purpose of refunding ----- \$----- of the installments of the principal of the bonds of this district dated the ----- day of -----, 19--, and outstanding on the ----- day of -----, 19--, as and when said outstanding bonds may become due and payable, and this bond is based upon and secured by an assessment levied on lands in said drainage district known and designated as (name and number of assessment), validated by a judgment of the superior court of the State of California, in and for the county of ----- on the ----- day of -----, 19--, and filed in the respective offices of the county treasurers of the counties wherein are situated the lands assessed thereby. And the said Sacramento and San Joaquin drainage district does hereby certify and declare that the issuance of said bonds was duly authorized by an election duly called and held upon due notice, and the result thereof was duly canvassed and ascertained in pursuance of and in strict conformity with the laws of the State of California applicable thereto, and that all the acts and conditions and things required by law to be done precedent to and in the issuance of the said bonds have been done and performed in regular and due form and in strict accordance with the provisions of law authorizing the issuance of the bonds of said Sacramento and San Joaquin drainage district.

This bond is one of the bonds issued to refund \$----- of the principal of bonds numbered ----- of this district, dated the said ----- day of -----, 19--, and maturing -----, 19_.

In witness whereof, the said Sacramento and San Joaquin drainage district, acting through the reclamation board of said state, has caused this bond to be signed by the president of said board and attested by the secretary of said board with the seal of said board, affixed this ----- day of -----, 19--.

 President of said reclamation board.

Attest: -----
 Secretary of said reclamation board.

And the interest coupons may be substantially in the following form:

No. ----- \$-----

The treasurer of the State of California will pay to the holder hereof on the ----- day of -----, 19--, at his office in the city of Sacramento, State of California, the sum of \$ ----- in gold coin of the United States, out of

the funds of the Sacramento and San Joaquin drainage district applicable thereto, for interest on bond of said district numbered -----

Attest: -----
State Controller.

The reclamation board shall deliver the bonds prepared pursuant to this act duly signed and attested to the state treasurer. Within ten days after said bonds have been delivered to the state treasurer an action may be commenced by the reclamation board to have it determined that said bonds are a legal obligation of said drainage district, which validation proceedings shall be commenced and carried to a final judgment in the manner prescribed in section thirty-two of this act.

Validation proceedings.

Thereafter, yearly and not less than four months prior to the day of maturity of the outstanding bonds of the district (for the refunding of which said refunding bonds are to be issued) next maturing and to be so refunded (in whole or in part), the reclamation board may, by resolution, direct the state treasurer to sell that portion of the said refunding bonds applicable to the refunding of the said outstanding bonds so next maturing. Thereupon the said treasurer shall give notice by publication at least once a week for at least three weeks in a newspaper of general circulation published in the city of Sacramento, that he will sell a specified amount of said refunding bonds, and stating the day, hour and place of said sale, and asking for sealed proposals for the purchase of said refunding bonds, or any part thereof. At the time appointed for said sale, which shall in any event be at least ninety-five days prior to the day of maturity of the principal of said outstanding bonds to be so refunded by the sale of said refunding bonds, the state treasurer shall open the bids and award the said refunding bonds, or any designated number thereof, to the highest responsible bidder; *provided*, that said bid is not less than par and accrued interest. In the event that said bid is less than par and accrued interest, he shall reject all bids. Any sale by the state treasurer shall be conclusive evidence in favor of the purchaser and all subsequent holders of said refunding bonds that such sale was made upon due authority and notice. A proper record of such transaction shall be made upon the books of the state treasurer and the proceeds of the sale of the said refunding bonds shall be placed in the state treasury to the credit of the Sacramento and San Joaquin drainage district in the "bond fund of (giving name and number of the assessment upon which the bonds are based)," and the said proceeds shall be used and applied only in payment, in whole or part, of the principal of the outstanding bonds to be refunded by the said refunding bonds so sold.

Sale of bonds.

Whenever any of such bonds are sold the state treasurer shall at once certify and deliver to said board or its secretary a list of such bonds so sold or delivered, showing the serial numbers, denominations and date of maturity of the bonds so sold or

List.

Statement. delivered, the price received for each bond sold, and the date of maturity of the earliest maturing interest coupon attached to each bond so sold or delivered. The state treasurer shall also certify and deliver to the said reclamation board or its secretary whenever requested, a statement of all such bonds and coupons for interest thereon paid by him and of all bonds or coupons presented for payment and not paid for want of funds, with the date of presentation.

Cancellation. All refunding bonds not so sold and issued at least ninety-five days prior to the day on which the outstanding bonds to be refunded thereby shall mature, shall be forthwith canceled by the said state treasurer and shall never be an obligation of the Sacramento and San Joaquin drainage district.

The principals and interest of refunding bonds shall be based on and payable out of the assessment or assessments upon which the bonds so refunded were payable, in accordance with the provisions of this act.

Legal investment for savings banks.

The refunding bonds of the Sacramento and San Joaquin drainage district issued pursuant to this act which are investigated and approved by any commission or officer now or hereafter authorized by any law of this state to conduct such investigation and give such approval and by authority of which approval said refunding bonds are declared to be legal investments for savings banks, may be lawfully purchased or received in pledge for loans by banks, trust companies, insurance companies, guardians, executors, administrators and special administrators, or by any public office or officers of this state or of any county, city or city and county, or other municipality or corporate body within this state having or holding funds which they are allowed by law to invest or loan.

Unfavorable vote.

If the result of such election provided for in this section be against the issuance of refunding bonds then such assessment, or that portion thereof involved in and affected by such election, shall be ordered collected in such installments and as often as is provided in section forty-two of this act.

Manner of payment.

When refunding bonds of the Sacramento and San Joaquin drainage district have been authorized and issued as herein provided, said refunding bonds not called prior to maturity shall be paid at maturity in the manner provided by sections forty-two, forty-three, forty-four, forty-five, forty-six, forty-seven, forty-eight, forty-nine, fifty and fifty-one of this act.

CHAPTER 343.

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 con-

tained in said report of the California debris commission and to make report thereof, making an appropriation to pay the expenses of such examination and surveys, and creating a reclamation board, and defining its powers,' approved December 24, 1911, as amended, by amending sections seven, twelve, thirteen, fifteen and thirty-two thereof and by adding one new section thereto, to be numbered thirty-seven, said new section relating to the disposition and application to be made of certain moneys heretofore appropriated for controlling the floods, removing the debris and continuing the improvement of the Sacramento river, California, in accordance with the report of the California debris commission, transmitted to the speaker of the house of representatives of the United States by the secretary of war on June 27, 1911, in so far as said plan provides for the rectification and enlargement of river channels and the construction of weirs, if said moneys shall be reimbursed or released to the State of California by the federal government.

[Approved by the Governor May 23, 1925.]

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

SECTION 1. Section seven of an act entitled "An act approving the report of the California debris commission transmitted to the speaker of the house of representatives by the secretary of war on June 27, 1911, directing the approval of plans of reclamation along the Sacramento river or its tributaries or upon the swamp lands adjacent to said river, directing the state engineer to procure data and make surveys and examinations for the purpose of perfecting the plans contained in said report of the California debris commission and to make report thereof, making an appropriation to pay the expenses of such examinations and surveys, and creating a reclamation board and defining its powers," approved December 24, 1911, as amended, is hereby amended to read as follows:

Stats. 1915,
p. 1840,
amended.

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 and basins mentioned herein, good and sufficient levees and embankments or other works of reclamation, adequately protecting the lands overflowed or subject to overflow by said streams, and confining the waters of said rivers, tributaries, by-passes and overflow channels and basins within their respective channels and boundaries, 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 with

State's
interest
supreme.

Purpose
of act.

such modifications and amendments and such additional plans as have been or may hereafter be adopted by the reclamation board for the control of the flood waters of the Sacramento and San Joaquin rivers and their tributaries and said basins, 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.

Operation of weirs.

The operation, control and jurisdiction of all weirs on the Sacramento river, so far as the State of California is concerned, shall be under the direction of the division of engineering and irrigation, department of public works.

Construction.

This act and every part thereof shall be liberally construed to promote its objects and to carry out its intents and purposes.

Stats. 1923, p. 759, amended.

SEC. 2. Section twelve of said act approved December 24, 1911, as amended, is hereby amended to read as follows:

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 Sacramento and San Joaquin drainage district, from private persons, corporations, reclamation, swamp land, levee, protection or drainage districts, or other organizations or associations, all lands, rights of way, easements, property or material necessary or requisite for the purpose of by-passes, weirs, cuts, canals, sumps, levees, overflow channels and basins, reservoirs and other flood control works, and other necessary purposes, including drainage purposes; to construct, clear and maintain by-passes, levees, canals, sumps, overflow channels and basins, reservoirs and other flood control works; to construct and maintain ditches, canals, pumping plants, and other drainage works and to operate the same; to make contracts in the name of said district to indemnify or compensate any owner of land or other property for any injury or damage caused by the exercise of the powers by this act conferred, or arising out of the use, taking or damage of any property for any of such purposes; *provided, however*, that the reclamation board shall have no power, authority, or jurisdiction, either directly or indirectly, except as hereinafter provided in section thirteen of this act, to hereafter incur any indebtedness or expend any money or adopt or carry into effect any plan or project or to acquire any lands, rights of way, or easements, or to do any work, or cause any work to be performed, for which any land lying within the Sacramento and San Joaquin drainage district shall be assessed, save and except to maintain, repair, and operate its existing works of reclamation and flood control and to complete, maintain and operate

any project adopted by said board prior to April 1, 1923, with the existing powers to levy assessments therefor; *and provided further*, that the reclamation board shall have the same power, authority and jurisdiction in reference to the adoption and carrying to completion of any work or project involved in or contained in the report of the California debris commission dated January 5, 1925, and now in the course of transmission to the congress of the United States as is hereby conferred in the case of projects adopted by said board prior to April 1, 1923. The board shall also have power to maintain actions in the name of the people of the State of California to restrain the doing of any act or thing that may be injurious to any of the works necessary to said plan of flood control or that may interfere with the successful execution of said plan or for damages for injury thereto, and any damages so recovered shall be deposited with the state treasurer to the credit of said district and shall be applicable to the payment of warrants against any assessment for the particular portion or project affected by such injury; to establish a standard of levee construction; to do any and all things necessary or incident to the powers hereby granted or to carry out the objects specified herein; to maintain actions in the name of the people of the State of California to compel by injunction the owner or owners of any bridge, trestle, wire line, viaduct, or embankment or other structure which shall be intersected, traversed or crossed by any by-pass, drainage canal, or overflow channel, so to construct or alter the same as to offer a minimum of obstruction to the free flow of water through any such by-pass, drainage canal, or overflow channel, and wherever necessary in the case of existing works, to compel the removal or alteration of any such embankment or other structure; to maintain actions in the name of the people of the State of California to restrain the diversion of the waters of any stream that will increase the flow of water in said Sacramento or San Joaquin rivers or their tributaries, and such diversion of the waters of any stream into said rivers or either of them or any of their tributaries, is hereby declared to be a public nuisance which may be prevented or abated by the reclamation board; to dispose, by sale, exchange, in payment for work done or services rendered, or for any other purpose which the reclamation board might deem advisable, of any land, property, material, equipment, or any other thing in the possession of the Sacramento and San Joaquin drainage district, which, in the opinion of the reclamation board, is no longer needed for the purposes of flood control works or other necessary or convenient purposes.

In case any land, right of way or easement is or shall be needed for any work of channel excavation, enlargement, rectification or control, or for the construction of any weir, which is a part of the plans to be carried out as contemplated by this act, and which is to be done or constructed in whole or in part by the United States or by the State of California and

Acquisition
of lands
required
by U. S.

it is or shall be necessary or be required by the United States or by the State of California before doing such work or constructing such weir, that such land, right of way or easement be conveyed to or provided for the use of the United States or the State of California free of cost, the reclamation board shall have power to acquire such land, right of way or easement and cause the same to be conveyed to the United States or to the State of California free of cost, or to be condemned for the use and in the name of the United States or the State of California in the manner provided by the laws of this state or of the United States, and to pay the cost and expense of acquiring such land, right of way or easement out of the funds of any assessment by said board applicable thereto; or if such land, right of way or easement is or shall have been already acquired by said reclamation board in the name of the Sacramento and San Joaquin drainage district, the said board shall be and is authorized to cause the same to be conveyed by said district to the United States or to the State of California free of cost.

Contribution
to U. S.
river and
harbor im-
provement.

Whenever any work to be done by the reclamation board or the Sacramento and San Joaquin drainage district under any of the provisions of this act is such that it can be so done in connection with work of public improvement of rivers and harbors authorized by the United States government as to bring it within the provisions of section four of the United States river and harbor act, approved March 4, 1915, authorizing the receipt by the United States government agencies of funds to be contributed for expenditures in connection with funds appropriated by the United States for such work, then the funds under the control of the reclamation board and available for such work, or so much as may be necessary, may be contributed by the reclamation board to the United States government under the provisions of said section of said river and harbor act in order that the work may be done in the manner thereby contemplated.

Stats. 1923,
p. 760,
amended.
Plans and
estimates.

SEC. 3. Section thirteen of said act, approved December 24, 1911, as amended, is hereby amended to read as follows:

SEC. 13. Whenever in the opinion of the reclamation board it shall be necessary to levy an assessment upon any lands within said drainage district for any of the purposes herein specified, including the expenses of bonding said assessment if authorized by law, other than an assessment to pay the costs and expenses necessary for the maintenance, repair and operation of its existing works of reclamation and flood control, and the costs and expenses necessary for the completion, maintenance and operation of any project adopted by said board prior to April 1, 1923, or to pay the costs and expenses necessary for the adoption and carrying to completion of any project or work involved in or contained in the report of the California debris commission dated January 5, 1925, and now in the course of transmission to the congress of the United States, said board shall adopt plans therefor and shall make

careful estimates of the costs and expenses thereof. The plans to be carried out shall be divided by said board into separate portions or projects in such manner as will in its judgment best facilitate the levying of assessments for each particular portion or project in a just and equitable manner according to benefits upon the lands in said district affected by such portion or project; *provided, however*, that each separate and particular project or unit shall include all by-passes, cuts, canals, sumps, levees, pumping plants and other works of flood control and drainage as shall be necessary by reason of the carrying out and construction of the particular project, to properly conduct the water of any stream, natural or otherwise, the outlet of which has been intercepted by the construction of any levee or embankment included in such project or unit into such by-pass.

Said board shall enter in the minutes of the board a resolution to the effect that the execution of each such separate portion or project which they may determine upon is a public necessity. Each such particular portion or project shall be designated by the board in such resolution by name and number. All assessments, plans and funds intended for or connected with the execution of each particular portion or project shall be designated by such name and number and shall be kept separate and shall be used only for the purpose of carrying out such particular portion or project. Thereafter the board shall appoint three assessors who shall be disinterested persons, and shall have no interest in any real estate within said drainage district, and each of whom, before entering upon his duties, shall make and subscribe an oath that he is not in any manner interested in any real estate within said district, directly or indirectly, and that he will perform the duties of an assessor to the best of his ability. Said assessor shall be exempt from the provisions of the civil service laws of this state. After said assessors have examined the plan or plans of the works contemplated and the estimates of the cost, they shall make a preliminary report to the reclamation board indicating the exterior boundaries of the lands that in their opinion will be benefited by the expenditures. The assessors shall then appoint a time and place in each county in which any of said lands proposed to be assessed are situated, when and where they will hear objections to the said report and also evidence concerning the manner in which said assessment should be apportioned. They shall give notice of such hearing in each of such counties by publication in a newspaper published in such county once a week for three weeks, the first publication to be not later than the twenty-first day before the day of hearing, which notice shall contain a general designation of the lands which will in their opinion be so benefited, as aforesaid, and shall refer to said preliminary report on file in the office of the reclamation board for such exterior boundaries. Said assessors, may amend, modify or change the exterior boundaries of the lands that, in their opinion, will be benefited by such expenditures.

Declaration
of public
necessity.

Assessors.

Boundaries.

Hearing of
objections.

May
change
boundaries.

Consent to project.

If, within six months after the completion of said hearings there is filed with the board, written consent to such contemplated project, signed and acknowledged by the owners of land representing sixty-six per cent of the value of the land excluding improvements within the district, as described in the preliminary report of said appraisers, or as modified thereafter, as such value is shown by the last preceding county tax assessment roll of the county in which said land is situate, and also written consent to such contemplated project, signed and acknowledged by sixty-six per cent of the owners of land within said district as described in said preliminary report, or as modified thereafter, the board shall cause an assessment to be levied in the manner and form hereinafter provided.

Levy of assessments.

Said assessors must assess upon the lands within said drainage district proposed to be assessed for the plans adopted by the reclamation board the said sums included in the estimates of said board, and shall apportion the same according to the benefits that will accrue to each tract of land in said district, respectively, affected by any particular portion or project by reason of the expenditure of said sums of money.

Determination of benefits.

In determining the benefits that will or may accrue to each particular tract of land by the construction or maintenance of the works contemplated by any particular project or unit, the works of such project or unit shall be considered as a whole and lands shall be assessed for the works embraced in such project or unit only in the proportion that they will or may be benefited by the construction of the entire works embraced in the said project or unit, and no lands shall be considered as benefited by the construction or maintenance of the works embraced in such project or unit, or any part or portion thereof, nor shall any lands be assessed for the expense of the construction or maintenance of such project or unit or any part or portion thereof, because such lands have been or may be first endangered or flooded, or the natural drainage thereof obstructed by the construction or maintenance of any part or portion of the works embraced in such project or unit in advance of or prior to the completion of the construction of the entire works embraced in such project or unit.

Assessment list.

Said assessors shall make a separate list of the lands so assessed in each county, which list shall contain a description of the tracts of land assessed by swamp land surveys, legal subdivisions, or other boundaries or references sufficient to identify the same, the name of the owner, if known, or if unknown, that fact, and the amount of the charge assessed against each tract. The name of the owner of land which is or is supposed to be the property of the estate of a deceased person in course of administration may be stated as estate of (such person, naming him), deceased. When there are two or more owners or supposed owners of any tract of land, partly known and partly unknown, the assessment may be to such known owner or owners by name and to other owners unknown. No mistake in the name of the owner, or supposed

owner, of any real estate shall invalidate the assessment. In the assessment list for any county the assessors may make use of any abbreviation in common use in that county, without explanation thereof. The assessors may also in the assessment list for any county make use of other abbreviations, provided a schedule and explanation thereof with reasonable certainty shall, unless printed on each page of such assessment list, be prefixed to said assessment list and a reference thereto written, printed or stamped on each page of said assessment list whereon any such abbreviation is used. In case any land shall in the assessment list for any county be described in whole or in part by reference to a map, plat or survey, which map, plat or survey shall be on file or of record in any public office, it shall be sufficient in such description to designate such map, plat or survey by name, number or other designation sufficient to identify the same in a schedule of such maps, plats and surveys, which schedule shall be prefixed to said assessment list and shall set forth with reasonable certainty where each such map, plat or survey may be found, and shall be referred to by a reference written, printed or stamped on each page of said assessment list whereon such method of description is relied upon. The assessors appointed for any assessment may also prepare or cause to be prepared a map or maps of the whole or any part or parts of the lands to be assessed with sufficient detail to indicate thereon and identify the several tracts of lands to be separately assessed or any of them, each of which such separate tracts shall be designated on such map or maps by a distinctive number. Each of such maps shall be inscribed and designated as "reclamation board assessment map No.----," giving each map a distinctive number. Any such map may consist of any number of sheets attached together and designated as one map. Such map or maps when approved by the reclamation board, shall be certified by the secretary of said board as having been so approved, and shall be filed for record in the office of the county recorder of the county wherein the land indicated on such map or maps is situated. Thereupon and thereafter, for the purpose of said assessment or of any future assessment levied by said reclamation board, the assessment list for any county may, for the description of any tract of land so indicated on any such map, refer to such map and to the number by which such tract is designated on such map, and such reference, if used for that purpose, shall be a sufficient description of such tract for the purposes of such assessment list, and for the purposes of the notice of delinquent sale, certificate of sale and deed in pursuance of such sale, and all other proceedings under this act based upon such assessment. No provision of any other statute of this state relative to the filing or recording of maps in the office of the county recorder shall apply to the maps in this section referred to; *provided, however,* that the maps herein referred to shall have no legal effect for any purpose

except for the convenient reference to and description of the tract of land indicated thereon for the purposes of description of such tracts of land by reference thereto in the matter of assessments levied by the reclamation board and acts and proceedings based thereon as herein provided. No fee shall be charged by any such county recorder for the filing for record of such map as in this section provided. Said lists when completed shall be filed with the secretary of the board and said secretary shall forward to the county treasurer of each county in which any lands so assessed are situated, the assessment list for such county, and the same shall be open for inspection by the public for at least sixty days. The compensation of said assessors shall be fixed and allowed by the board. The reclamation board shall appoint a time and place not less than sixty days after said list has been filed with the county treasurer when and where it will meet in each county wherein any of the lands so assessed are situated for the purpose of hearing objections to said assessments, and notice of such hearing in each county shall be filed with the county treasurer and published once a week for four weeks in some newspaper published in such county. At any time before or during such hearing any person interested in any land upon which any charge has been assessed, may file in the office of the reclamation board or with any member thereof, written objections to such assessment, stating the grounds of such objections, which said statement shall be verified by the affidavit of such person or some other person who is familiar with the facts. At such hearing, the board shall hear such evidence as may be offered touching the correctness of such assessment or the manner of its apportionment, and may modify or amend the same, and may reapportion all or any part of the entire assessment. Unless the aggregate amount of the whole of such assessment shall be modified or amended by the reclamation board so as to cause a difference of more than two and one-half per cent greater or less than the original total amount of said assessment, it shall be deemed that the assessment has not been substantially modified and no necessity shall exist for a reapportionment thereof.

Hearing
of objections
by reclama-
tion board.

In event
of reappor-
tionment.

If said assessment shall be reapportioned the board shall give two weeks notice as before and proceed to hear objections in each county affected, as before, and shall then reconsider said assessment and make an order approving said assessment as finally fixed; and the decision of said board shall be final, and thereafter said assessment list shall be conclusive evidence, except in the suit hereinafter provided, that the said assessment has been levied and apportioned according to law. Any person interested, as aforesaid, in any land upon which any charge has been so assessed, aggrieved by the decision of the board approving said assessment, may commence an action against the district in the superior court of the county in which said land or the greater part thereof is situated, to have said assessment upon such land modified or annulled.

Action to
change
assessment.

Such action must be commenced within sixty days after the reclamation board has approved such assessment and the assessment list for such county has been deposited in the office of the county treasurer as provided in the next section, and shall have preference over all civil actions in fixing the time of trial.

Whenever an assessment has been levied by the reclamation board upon lands in said district for general administrative expenses and other expenses not pertaining to any particular project, and the boundaries of said district have been or shall be extended so as to include lands other than the lands included within said district at the time such assessment was levied, the reclamation board shall make an estimate of the fair and equitable amount which should be contributed by the lands so included in the district by such change of boundaries for the purposes of such assessment previously levied by said board for general administrative expenses and other expenses not pertaining to any particular project, and shall levy and cause to be assessed, equalized and collected in the manner in this act provided, an assessment to the amount of such estimate upon lands so included in the district by such change of boundaries, according to benefits in the manner in this act provided.

Special
assessment
on annexed
territory.

In the event that consent in writing be not filed in the manner and at the time hereinbefore provided, no further expenditures for said project shall be made, nor shall any obligations be incurred therefor; *provided, however*, that the board may cause an assessment to be levied in the manner hereinbefore provided for the purpose of paying the necessary engineering and other expenses in preparing the plans for said project, in making the preliminary report of said assessors and in holding the hearings thereon.

Effect of
nonconsent.

Sec. 4. Section fifteen of said act, approved December 24, 1911, as amended, is hereby amended to read as follows:

Stats. 1915,
p. 1350,
amended.

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 county treasurer shall, within one month after its receipt by the county treasurer, be by him 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 name and 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 fund 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

Deposit of
money
collected.

Paid out on
warrants.

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 name and number of the assessment from which it is to be paid. Drafts of the reclamation board may be presented to the controller and warrants drawn as aforesaid, against the funds to be raised by an assessment as soon as the reclamation board has passed its order or resolution for the levy of such assessment and appointed the assessors therefor. In case there are not sufficient funds applicable thereto for the payment of such warrants when presented to the state treasurer, he 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. All such warrants, whether heretofore or hereafter issued, shall be considered as contracts in writing for the payment of money, and the period described for the commencement of an action based upon any such warrants, or connected therewith, is and shall be four years from the date of the first publication of the notice specifying such warrants published by the state treasurer pursuant to the provisions of this section; and no statute of limitations shall be deemed to have run against any action upon or affecting any warrant heretofore or hereafter drawn against any assessment under this act by reason of the lapse of time during which funds adequate for the payment of the outstanding warrants against such assessment were not available. Said warrants shall, at any time within said period of four years, be received in payment of any assessment for work or expenses for which such warrants were issued. The reclamation board may, at its option, at any time before payment of any warrant renew the same upon application of the owner or holder thereof by an endorsement thereof of the fact and date of such renewal and notice thereof to the state treasurer and controller. When even 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 reclamation 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. Whenever in the opinion of the reclamation board it shall appear that the total amount of any assessment previously levied and assessed and which has become a lien upon lands in said drainage district will be greater than required for the purposes for which such assessment was levied, the

Where there are no funds.

Renewal of warrants.

Notice of money to pay warrants.

Partial release of assessment.

reclamation board may by resolution entered in its minutes, release the lien of and abandon such assessment as to any part thereof not required as aforesaid and not previously ordered to be paid; and a copy of such resolution certified by the secretary of said board and attested with its seal shall be deposited in the office of the county treasurer of each county wherein is situated any land affected by such assessment, and shall be by such county treasurer annexed to the assessment list of such assessment for that county; and in any such case, when any payment has been voluntarily made upon the part of such assessment upon any tract of land so abandoned and released, the amount of such overpayment shall be repaid to the person by whom the same was paid, his heirs or assigns; and upon production of the county treasurer's receipt therefor and endorsement thereon by the reclamation board of the fact of such repayment, the reclamation board shall draw a draft on the state controller and the controller shall draw a warrant upon the state treasurer therefor, and the state treasurer shall pay such warrant in the same manner as other warrants against the funds of such assessment. The reclamation board may also in its discretion abandon further proceedings under any assessment at any time prior to the time when the lien of such assessment has accrued. In case of any change of county boundary lines, or creation of any new county, all acts and proceedings in this act provided for in the manner of or relating to or in pursuance of or founded upon any assessment upon lands affected by such change of county boundary lines, or creation of such new county, shall be done and conducted as if such lands were situated in the same county as at the time of appointment of the assessors to make such assessment.

Change of
county
boundaries.

SEC. 5. Section thirty-two of said act approved December 24, 1911, as amended, is hereby amended to read as follows:

Stats. 1919,
p. 1129,
amended.

Sec. 32. The assessors appointed by the reclamation board pursuant to section thirteen of this act, in apportioning the assessment on each tract of land which may be assessed, shall, as information for the said reclamation board or the State of California, state, opposite each sum assessed for each particular tract of land, in separate columns respectively, the amount that they shall determine that each tract is so assessed by reason of benefit from the flood control features of said works involved in said plans, and also the amount that they deem each tract of land is so assessed by reason of all other benefit from the said works; *provided further*, that said assessors shall, in the case of all assessments of the Sacramento and San Joaquin drainage district which may hereafter be levied by the reclamation board and all assessments which have heretofore been commenced but on which the assessment lists have not been made to conform with the decision of the reclamation board after equalization hearings held pursuant to the provisions of section thirteen and section fourteen of this act, state, as information for the reclamation board of

Assessment
list to
show what
additional.

the State of California, in addition to the amount assessed by reason of the flood control features as hereinabove provided, opposite each sum assessed for each particular tract of land, in a separate column, the amount that they shall determine each tract is so assessed by reason of the severance of any lands not included in the assessed area which would have been included but for the location of a by-pass channel or channels provided for by another separate portion or project of the Sacramento and San Joaquin drainage district, adopted by the reclamation board. The amounts so stated and placed opposite each assessment charged shall be no part of said assessment and shall in no way affect the assessment charged against each tract of land as the same may be fixed, but shall be subject to review and readjustment in the same manner as the assessment itself.

Stats. 1911
Ex., p. 117,
amended.

Sec. 6. A new section is hereby added to said act approved December 24, 1911, as amended, to be numbered thirty-seven, to read as follows:

Disposition
of federal
funds
received.

Sec. 37. All or any part of, moneys which may hereafter be reimbursed or released by the federal government to the State of California, on any appropriations heretofore or hereafter made by the State of California in compliance with the provisions of that certain act of congress of the United States entitled: "An act to provide for the control of floods of the Mississippi river and of the Sacramento river, California, and for other purposes" approved March 1, 1917, together with all amounts which the State of California has already appropriated or is now obligated to appropriate and which may hereafter be reimbursed or released by the federal government to the State of California by reason of the assumption by the United States of all work involved in the rectification and enlargement of the Sacramento river shall, unless otherwise provided by the act of congress under which reimbursement shall be made, be paid over to the reclamation board to be applied by said reclamation board in the manner, and for the purposes as hereinafter set forth, to wit:

Maintenance
and opera-
tion of flood
control
works.

The reclamation board shall, at its first regular meeting next succeeding the commencement of each fiscal year when any money shall be so received by the reclamation board, estimate and set aside the amount that may, in the discretion of the reclamation board, be necessary for the purpose of maintaining and operating all flood control works provided for in said flood control plan of the State of California for the period of one year; *provided, however, that not more than one hundred thousand dollars shall be set aside or spent in any one year for this purpose.* And said amount shall be deducted from the amount to be paid over to the state treasurer as hereinafter directed and shall be expended as determined by said reclamation board for maintenance and operation of said flood control works.

Payments on
assessments.

The remainder of the amount so received shall be applied by said reclamation board on the assessments of the Sacra-

mento and San Joaquin drainage district based on projects adopted by the reclamation board prior to April 1, 1923, against which obligations have been incurred, as follows:

(1) To the pro rata payment of such portions of said assessments as are based upon flood control benefits in the amount determined and designated in the assessment rolls, as finally fixed and determined, and

(2) To the pro rata payment of such portions of said assessments on land included in the assessed area of a project which would have been applied on lands not included in the assessed area (but which were not so applied) because of the severance of these lands from the assessed area by the location of a by-pass channel or channels provided for by another separate portion or project of the Sacramento and San Joaquin drainage district adopted by the reclamation board; *provided, further*, that such portion shall be determined by the assessors who apportioned said assessment as hereinbefore in section thirty-two of this act, provided.

The reclamation board shall prepare and furnish to the several county treasurers a statement of the several amounts so applied to the pro rata payment of such portions of the several assessments by reason of the credits hereinbefore provided and the several county treasurers shall enter such amounts on the original assessment lists as payments or credits on account of the several assessments. In making its calls or orders for the collection of installments on said assessments the percentage to be called and paid shall be calculated upon the original total amount assessed against each tract, but no such call or installment need be paid upon the assessments on any such tract except for the excess of the total of such calls over the total of payments so credited to such tract from application of such money received as aforesaid, or otherwise paid thereon.

Statement to
county
treasurers.

The money so received by the reclamation board shall, after deducting the amounts required by the reclamation board for maintenance as hereinbefore provided, be by the reclamation board paid over forthwith to the state treasurer and by him credited, applied, used and expended in the manner herein-after provided, to wit:

Deposit with
state
treasurer.

If, at the time of the receipt of any such money by the reclamation board, bonds based upon an assessment entitled to a credit as hereinbefore provided shall have been authorized by law and sold, the amount of said money to which said assessment shall be entitled as hereinbefore provided shall, under the direction and as required by the reclamation board, be applied to the payment and cancellation of such bonds in the manner following:

Payment of
outstanding
bonds.

The said reclamation board shall proceed to advertise, at least once a week for four consecutive weeks, in at least one daily newspaper published in the city and county of San Francisco, and one daily newspaper published in the city of Los Angeles, calling for bids or offers for the sale to said

reclamation board of sufficient of the issued and outstanding bonds to cover the amount represented by said money so received; *provided, however*, that said reclamation board shall not purchase any bonds at a sum in excess of par plus accrued interest. And if the said reclamation board shall receive bids or offers at par plus accrued interest, or less than par plus accrued interest, then the said reclamation board shall purchase a sufficient amount of said bonds to make up the sum of money so received by them and shall proceed forthwith to cancel said bonds so purchased, together with all interest coupons attached thereto.

But, if the said reclamation board shall not receive bids or offers of a sufficient amount to cover the money so received, then as to the balance thereof, the said reclamation board shall pay bonds in the order of their numbers, beginning as to the first payment, at bond number one, and continuing in numerical order, in a sufficient amount to cover said first payment, and upon such subsequent payments, shall pay the said bonds according to the next succeeding numbers.

Cancellation
of unsold
bonds.

If, however, bonds based upon an assessment, entitled to a credit as hereinbefore provided shall have been authorized, but said bonds, or any of them shall not have been sold, the state treasurer shall, upon the request of and under the direction of the reclamation board, cancel such number of said bonds so authorized, but not sold, as will, at par, equal the amount of money then on deposit in the state treasury to which said assessment shall be entitled, and the total of the bonds to be issued shall be reduced by such amount, and no bonds shall be sold to an amount in excess of the amount originally authorized, as reduced by the bonds so cancelled at par. The money on deposit in the state treasury at the time these bonds are so cancelled and to the amount thereof, shall be by the state treasurer credited to the funds of said assessment to be used and expended in the payment of warrants or other obligations against the assessment as hereinbefore provided.

Where bonds
not
authorized.

If, in the case of any assessment entitled to a credit as hereinbefore provided, no bonds shall have been authorized, the moneys so received in the amount to which said assessment is entitled as hereinbefore provided, shall be by the state treasurer, credited to the funds of the assessment to be used and expended in the same manner as funds collected from land-owners upon said assessment.

CHAPTER 344.

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

[Approved by the Governor May 23, 1925.]

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

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

Grant by
San Diego
to U. S.
for hospital
site
validated.

Beginning at the southwest corner of that certain tract of land conveyed to the United States of America by the city of San Diego, by deed dated September 3, 1919; thence south eighty-nine degrees fifty-eight minutes twenty seconds east along the south line of said tract a distance of five hundred fifty-five feet to the southeast corner thereof; thence south no degrees one minute forty seconds west, ninety feet to a point; thence south thirty-nine degrees twenty-five minutes thirteen seconds west, one hundred sixty-nine and twenty-three one-hundredths feet to a point; thence south nineteen degrees fifty-seven minutes twenty-seven seconds west, one hundred ninety and forty-four one-hundredths feet to a point; thence south seven degrees twenty-two minutes forty-six seconds west, one hundred twenty-two and fifty-six one-hundredths feet to a point; thence southwesterly along the arc of a circle having a radius of ninety feet, tangent to the last described course, a distance of one hundred ninety-one and twenty-seven one-hundredths feet to a point; thence north fifty degrees fifty-one minutes twelve seconds west, two hundred eighty-four and eighty one-hundredths feet to a point; thence north no degrees one minute forty seconds east, four hundred feet to the point or place of beginning.

Which said grant and conveyance was confirmed, ratified, and approved by a vote of a majority of the electors of said city of San Diego, voting on the question of ratifying, confirming, and approving said grant at an election held in said city on March 24, 1925, is hereby confirmed, legalized, and declared to be valid.

CHAPTER 345.

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

[Approved by the Governor May 23, 1925.]

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

Grant by
San Diego to
U. S. as site
for pier
validated.

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

Beginning at station three hundred on the United States bulkhead line, as established in 1918; thence south forty degrees thirty-eight minutes thirty-six seconds east along said bulkhead line, a distance of eight hundred ninety-nine and thirty-eight one-hundredths feet to the southwest corner of that tract of land conveyed by the city of San Diego to the United States of America for a dry dock station or similar purposes, by deed dated September 3, 1919; thence north sixteen degrees no minutes east along the westerly line of said tract, a distance of seven hundred nine and ninety-three one-hundredths feet to a point; thence due west seven hundred eighty-one and forty-nine one-hundredths feet to the point or place of beginning;

Which said grant and conveyance was confirmed, ratified, and approved by a vote of a majority of the electors of said city of San Diego, voting on the question of ratifying, confirming, and approving said grant at an election held in said city on March 24, 1925, is hereby confirmed, legalized, and declared to be valid.

CHAPTER 346.

An act creating a commission for the reform of criminal procedure and appropriating funds therefor.

[Approved by the Governor May 23, 1925.]

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

Commission. SECTION 1. 1. There is hereby created "Commission for the reform of criminal procedure."

Members. 2. Said commission shall consist of three members who shall be appointed by the governor of the State of California and shall serve without compensation.

Duties. 3. It shall be the duty of said commission to make a study of the methods of criminal procedure, and to recommend to the legislature of the State of California which will convene in the year one thousand nine hundred twenty-seven such new system of criminal procedure or such amendments to

the present system as will, in its opinion, tend to provide for this state the most efficient system for the swift and certain administration of criminal justice.

4. Said commission shall have power to employ such secretaries and assistants as in its judgment may be necessary, and to authorize such traveling and other expenses as in its judgment may be necessary, all such expenses not to exceed the amount of the appropriation hereinafter made. Employees and expenses.

5. There is hereby appropriated out of the general funds in the treasury of the State of California the sum of ten thousand dollars (\$10,000) for the expenses of said commission. Appropriation.

CHAPTER 347.

An act to amend section three hundred sixty-one of the Civil Code, providing for the increasing or diminishing of the number of directors or trustees of a corporation.

[Approved by the Governor May 23, 1925.]

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

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

361. Any corporation or association may increase or diminish the number of its directors or trustees by the vote or written assent of stockholders representing a majority of its subscribed capital stock, or, if it has no capital stock, by the vote or written assent of a majority of the members. A certificate over the corporate seal, setting forth the action taken by the stockholders, or members, and stating the new number of directors, shall be signed by the president and secretary of such corporation or association, and filed in the office of the secretary of state whereupon the number of directors or trustees shall be changed as stated in said certificate. The secretary of state shall forthwith issue a certified copy of said certificate and transmit said copy to the county clerk of the county in which the principal place of business of the corporation was situated at the time said corporation was incorporated which copy shall be filed by said county clerk upon payment of the fee prescribed by law. A copy of such certificate, certified by the secretary of state, shall be filed by such corporation in the office of the county clerk of every county in which said corporation has or holds real property. Any corporation which shall fail to comply with the requirements of the preceding sentence shall be subject to the penalties and liabilities provided in section two hundred ninety-nine for a failure of corporations to file copies of their articles of incorporation with the county clerks of the counties in which they shall purchase, hold or locate real property. This section shall apply to all corporations existing under the laws of the State of California, whether organized and incorporated prior to the enactment of this code, or subsequent thereto. Changing number of directors.

CHAPTER 348.

An act to amend section one thousand six hundred eighteen of the Code of Civil Procedure, relating to the compensation of executors and administrators.

[Approved by the Governor May 23, 1925.]

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

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

Compensation of executors and administrators.

1618. The administrator, or executor, when no compensation is provided by the will or he renounces all claim thereto, must be allowed commissions upon the amount of estate accounted for by him, as follows:

For the first thousand dollars, at the rate of seven per cent; for the next nine thousand dollars, at the rate of four per cent; for the next ten thousand dollars, at the rate of three per cent; for the next thirty thousand at the rate of two per cent, and for all above fifty thousand, at the rate of one per cent.

If there are two or more executors or administrators, the compensation shall be apportioned among them by the court according to the services actually rendered by them respectively.

In all cases, such further allowances may be made as the court may deem just and reasonable for any extraordinary services, including sales or mortgages of real or personal property, contested or litigated claims against the estate, the adjustment and payment of extensive or complicated estate and inheritance taxes, litigation in regard to the property of the estate, and such other litigation or special services as may be necessary for the executor or administrator to prosecute, defend, or perform.

Public administrators shall receive the same compensation and allowances as are allowed in this title to other administrators. All contracts between an executor or administrator and an heir, devisee, or legatee, for a higher compensation than that allowed by this section, shall be void.

CHAPTER 349.

An act making an appropriation to pay the claim of The First National Bank of Los Angeles, against the State of California.

[Approved by the Governor May 23, 1925.]

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

Appropriation: First National Bank of Los Angeles.

The sum of eight thousand two hundred twenty-seven dollars and ninety-five cents (\$8,227.95) is hereby appropriated out of any money in the state school land fund not otherwise appropriated to pay the claim of The First National Bank of Los Angeles.

CHAPTER 350.

An act to promote the development of the California fruit, nut and vegetable industry in state and interstate markets and to protect the state's reputation in these markets and establishing standards and standard packages for certain fruits, nuts and vegetables specified herein, and to prevent deception in the packing and sale of fruits, nuts and vegetables, to provide for the certification of fruits and vegetables and to provide for the payment of fees, to prescribe penalties for violation of the provisions hereof and to repeal the "California fruit and vegetable standardization act," approved June 3, 1921.

[Approved by the Governor May 23, 1925.]

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

SECTION 1. This act shall be known, and for any and all purposes may be designated and referred to, as "The California fruit and vegetable standardization act of 1925." Title of act.

SEC. 2. To promote the development of the California fresh fruit, nut and vegetable industry and to prevent deception in the packing, shipping or sale of fruits, nuts and vegetables for state or interstate shipment, there are hereby created and established certain standards and standard packages for walnuts, avocados, apricots, berries, cantaloupes, cherries, grapes, melons, oranges, peaches, pears, plums, prunes, quinces, head lettuce, onions, potatoes, sweet potatoes, and tomatoes. Standards for fruits, nuts and vegetables established.

SEC. 3. All fresh fruits, nuts and vegetables of the kind specified in section two of this act, except such fruits and vegetables for which special grades shall be established under section four of this act, when being packed, or after packing, or when shipped, delivered for shipment, offered for sale or sold, in any container or subcontainer shall be mature but not overripe, virtually uniform in quality, virtually free from serious defects caused by insects, nematode and fungous pests, rots, bruises, frost injury, sunburn or other means, and except in the case of unpacked fruit or vegetables, shall be virtually uniform in size. Condition of pack.

When packed in layers there shall be approximately the same numerical count in each layer throughout a container or subcontainer having straight sides. In the case of tomatoes packed in standard California lug boxes the center and bottom layers shall have the same count, which, in case wide cleats are used, may be not to exceed one row more in length than the top layer, and, if packed on edge, one row more in width than the top layer, but which shall not be less than the count in the top layer. In the case of lettuce in standard packs, with three to five dozen heads in a standard lettuce crate, there shall be the same numerical count of regularly arranged heads in each layer, and no heads shall be placed outside of the regular Layers.

arrangement of three uniform flat layers. In the case of any fruits or vegetables, packed in sloping side containers, no layer below the top layer shall contain a greater numerical count than the top layer.

In addition to the provisions of this section, grapes, oranges, head lettuce, cantaloupes, and avocados shall conform to the special provisions of section ten.

Enforcement
of act.

SEC. 4. The director of agriculture is hereby empowered, through his duly authorized agents, and the county horticultural commissioners of each county of the state, their deputies and inspectors, to enforce all the provisions of this act. The director of agriculture shall have supervision and control over all enforcing officers of this act in the State of California. The refusal of any officer to carry out the orders and directions of the director of agriculture in the enforcement of this act shall be deemed neglect of duty. The director of agri-

Additional
grades and
rules.

culture is also empowered to establish and enforce such additional grades and grading rules as may be deemed necessary on fruits, nuts, and vegetables, which shall not conflict with any provided for in this act, after a thorough investigation has been made of the needs of the particular fruit or vegetable for which grades are contemplated. Such grades or grading rules must, before they become effective, be approved in one or more public meetings attended by representative growers and shippers of the locality interested in the industry affected. Such meetings shall be advertised at least once in a newspaper published in that locality one week or more prior to the meetings; said meetings shall be presided over by the director of agriculture, or any of his duly authorized agents, and shall, in so far as possible and practicable, be conducted at such place or places that can be conveniently reached by representatives of the affected industry. In like manner the director of agri-

Additional
standard
packages.

culture may provide for standard packages other than those provided for in section seven of this act. Grades and grading rules established in accordance with the provisions of this section shall not be modified during the current shipping season of the fruits or vegetables for which such grades were established excepting as hereinafter provided, nor shall standard packages be changed without two years notice to the industry involved. On receipt of a written appeal signed by at least twenty-five representative growers and shippers of the commodity for which grades, grading rules or standard packages have been established under the provisions of this section, protesting against the grades, grading rules or standard packages so established, the director of agriculture shall call a hearing within ten days after the receipt of such an appeal. Due notice shall be given by the director of agriculture to all interested parties of the date and place of such hearing and the grades, grading rules or standard packages established shall be sus-

Change of
rules, etc.

tained, modified, or revoked in the discretion of the director of agriculture on the basis of the evidence presented. If such grades, grading rules or standard packages are not changed or modified by the director of agriculture in accordance with the provisions of this section they shall continue to be in full force and effect. Grades, grading rules and standard packages established under the provisions of this section shall be promulgated by the director of agriculture, published in one or more newspapers and farm journals of general circulation in the State of California.

The legislature hereby declares that the establishment by the director of agriculture of such additional standards and grading rules, as provided by this section, constitutes merely the necessary expert and technical definition of details, and is not considered by the legislature as a legislative act on the part of the director of agriculture.

SEC. 5. All fresh fruits, nuts, or vegetables of the kind specified in this act which are not wrapped or regularly packed, and which are intended for use in processing, preserving, or in the manufacture of by-products, shall be exempt from the provisions of this act; *provided, however*, that the packages in which they are contained shall bear no false or misleading statements or designations; *provided further*, that such fruits or vegetables shall not be deceptively packed. Any inspector of fresh fruits and vegetables may require from the owner or shipper of such fruits and vegetables such proof as he may deem necessary that they will be used in processing, preserving, or in the manufacture of by-products, and shall hold same until satisfactory proof is given; *provided, however*, that grapes must conform to the sugar standards in section ten hereof.

Fruits, etc.,
for process-
ing, pre-
serving, etc.

SEC. 6. When used in this act the words herein mentioned shall be defined as follows: "Packages" shall mean any box, crate, lug, basket, barrel, drum, sack, or other container used for packing, shipping or selling fruits, nuts or vegetables. "Pack, packing or packed," shall mean the regular compact arrangement of all or part of the fruit or vegetables in any container or subcontainer used for the purpose of sale or transportation for sale. "Deceptive pack" shall mean any package of fruits, nuts or vegetables, which has in the outer layer or the exposed surface fruits, nuts or vegetables which are so superior in quality, size or condition to those in the interior of the package, or the unexposed portion, as to materially misrepresent the entire contents. "Fresh fruit, nuts, or fresh vegetables" shall mean the fresh product of any tree, vine or plant which produces edible fruits, nuts, or vegetables suitable for human consumption. "Mature," excepting where specific maturity standards are established, shall mean having reached the stage of maturity which will indicate the proper comple-

Definitions.

tion of the ripening process. "Virtually uniform in size" shall mean in the case of packed fruits a difference in size of the various fruits as follows: Pears, peaches and quinces, a variation of not more than one-half of an inch when measured through widest portion of cross-section; apricots, plums and prunes, a variation of not more than one-fourth of an inch when measured through widest portion of cross-section. "Virtually free" from serious defects shall mean that the total of such defects shall not exceed ten per cent in any one package of fruits or vegetables, or twenty per cent of serious internal defects in any package of walnuts, and excepting grapes and walnuts that there shall not be more than five per cent of any one defect. "Serious defects" shall mean any condition which renders the fruit, nut or vegetables unfit for human consumption, or appreciably deceptive as to quality; or any damage which will cause an increased waste of twenty per cent by weight, in ordinary preparation for use, over that which would occur if the specimen were perfect; or any decay in the edible portion, or any injury which provides ready entrance for fungus or decay; or the presence of any insect which is capable of causing internal injury, or internal damage caused by such insect. "By-products" shall mean any product processed or manufactured from nuts or from fresh fruits, fresh vegetables, or their juices. "County" shall include in its meaning a consolidated city and county. "Container" shall mean any box, crate, or other package utilized in handling nuts or fresh fruit or vegetables. "Subcontainer" shall mean any basket or other receptacle used within a container. "Uniformly well colored" means that each bunch of grapes shall have not less than eighty-five per cent of well colored berries, except that, in order to allow for variation incident to proper grading and handling, not more than ten per cent by weight of the bunches in any package may have not less than sixty per cent of well colored berries; *provided further*, that Emperor grape berries shall be considered well colored when at least sixty per cent of the surface shows good characteristic color.

Sec. 7. Standard packages are hereby established as follows:

(1) Standard apricot, plum and grape basket, approximately eight inches square on top, six and one-half inches on bottom, and four inches deep, inside measurements.

(2) Standard berry baskets, dry pint containing an interior capacity of approximately thirty-three and six-tenths cubic inches and dry one-half pint containing interior capacity of approximately sixteen and eight-tenths cubic inches; *provided*, that the standard basket for strawberries shall be the dry pint.

Standard packages.

Apricot, plum and grape basket.

Berry baskets.

	Depth inside in inches	Width inside in inches	Length outside in inches	
(3) Standard cherry box.....	2½	9	19½	Other standard containers.
(4) Special cherry lug.....	3	9½	19½	
(5) Standard cherry lug.....	4½	9	19½	
12-basket cherry crate.....	2½	13½	19½	
(6) Special cherry lug.....	3	11½	19½	
Peach size cherry lug.....	4	11½	19½	
Standard peach box.....	4½	11½	19½	
Standard peach box or Half pear box.....	4½	11½	19½	
Standard peach box.....	4½	11½	19½	
Standard pear box.....	8½	11½	19½	
(7) Special fruit lug.....	4	13½	17½	
(8) Special fruit lug (No. 3).....	4½	13½	17½	
With heavy cleat 11/16 of an inch by 11/16 of an inch.				
(9) Special fruit lug (No. 2).....	4½	13½	17½	
With heavy cleat 11/16 of an inch by 11/16 of an inch.				
(10) California lug box (No. 1).....	5½	13½	17½	
Special sawdust pack grape lug... Depth inside in inches not less than 7½ nor more than 7¾.		13½	17½	
(11) Standard crates	4½	16	17½	
Standard crates	4½	16	17½	
Standard crates	4½	16	17½	
(12) Standard grape drum.....	14	15½		
Containing 2642 cubic inches.				
(13) Standard grape keg.....	---	---	---	
Containing 2642 cubic inches min- imum.				

(14) Standard lettuce crates, depth, inside in inches, thirteen; width, inside in inches, eighteen; length, inside in inches, not less than twenty-one and three-fourths; length outside in inches not more than twenty-four and one-half. Lettuce
crates.

Inside length of lettuce crates shall be considered between end slats, excepting that if flat end posts wider than one and one-half inches are used, the inside length shall be considered between the posts.

(15) Standard cantaloupe crates, twelve inches by twelve inches by twenty-two and one-half inches, to be packed with thirty-six or forty-five cantaloupes; four inches by twelve inches by twenty-two and one-half inches, to be packed with nine, twelve or fifteen cantaloupes; eleven inches by eleven inches by twenty-two and one-half inches, to be packed with forty-five or fifty-four cantaloupes; thirteen inches by thirteen inches by twenty-two and one-half inches, to be packed with thirty-six or forty-five cantaloupes; four and one-half by thirteen and one-half by twenty-two and one-half inches, containing nine, twelve or fifteen cantaloupes. All cantaloupe Cantaloupe
crates.

packs other than those provided in this section shall be conspicuously marked in letters not less than one-half inches in height "irregular pack."

Labels on
containers.

SEC. 8. All containers of fruit of a kind specified in this act, except subcontainers, when packed, and of walnuts when sacked for shipment or sale, shall bear upon them in plain sight and in plain letters on the outside thereof the following: Name of the orchard or place where the same was produced, with the post-office address thereof or the name and post-office address of the person, firm, company or corporation, or organization who shall have first packed or authorized the packing of same, or the name under which such packer shall be engaged in business, together with the post-office address of such packer; name of variety, if known, and when not known the words "unknown variety"; net weight, excepting oranges, and the approximate number of fruits in the container or subcontainer, which number shall be within four of the true count; *provided*, that in lieu of the approximate number of fruits, the numerical description of pack may be used, excepting that no designation relative to number or count shall be required in the case of walnuts, grapes, cherries, or berries; *and provided further*, that no container or subcontainer shall have less than the minimum stamped thereon. When two or more varieties are packed or placed in a container, they shall be labeled "mixed varieties." In addition to the other marks required, all packages of walnuts when sacked for shipment or sale, shall be plainly and conspicuously marked in letters not less than one and one-half inches in height, in the English language, with the name of the state or of the foreign country where the nuts were produced.

Walnut
sacks.

Vegetable
containers.

All containers of packed vegetables of a kind specified in this act, when packed or offered for sale, shall bear upon them in plain sight and in plain letters on the outside thereof the following: Name of place where the same was produced, with the post-office address thereof, or the name and post-office address of the person, firm, company or corporation, or organization who shall have first packed or authorized the packing of same, or the name under which such packer shall be engaged in business, together with the post-office address of such packer; and in the case of tomatoes the net weight. All crates of lettuce, in addition to the markings required above, shall be conspicuously stamped or stenciled, on the outside thereof, in figures not less than one-half inch in height, with the exact number of heads contained therein, provided that, in the case of crates marked "irregular pack," the contents may vary not more than three heads from the count as marked.

Subcon-
tainers.

Standard or other containers when used as subcontainers are exempt from the provisions regarding marking, when the container in which they are placed is marked in compliance with the terms of this section. No containers or subcontainers

of fruits, nuts, or vegetables shall bear grade or other designations that are in any way false or misleading. Nothing in this act shall be construed to conflict with any California or federal regulations regarding net weight markings on containers or subcontainers. Net weight.

Containers in which the fruit in the top layer only is placed in regular compact arrangement, excepting cherries, berries, and grapes, shall be labeled "face and fill" in lieu of the approximate number of fruits. "Face and fill."

SEC. 9. All fresh fruits and vegetables of the kinds specified in this act, except such as shall be used in the manufacture of by-products, when prepared or offered for sale or sold, shall be packed or placed in standard containers, which are hereby established, and shall conform to all provisions of this act; *provided*, that, with the exception of berries, other sized containers may be used if conspicuously marked in letters not less than one-half inch high "irregular container"; *provided, further*, that in the case of avocados, oranges, onions, potatoes, and sweet potatoes, for which standard packages are not established in this act, the packages used shall not be required to be marked "irregular container." Fresh fruits and vegetables to be sold in standard containers.

SEC. 10. Grapes shall show a sugar content of not less than seventeen per cent Balling scale, except Burger, Emperor, Gros Colman, Pierce Isabella, Olivette Blanche, Ladyfinger, Khalili, Persian 23, and Cornichon, which shall show not less than sixteen per cent Balling scale; *provided, however*, that in cases where lower sugar content is required for processing, preserving, or manufacturing grapes than is established in this section, the director of agriculture is authorized to issue a permit for delivery of same, such permit to be a matter of public record in the department of agriculture. Containers of grapes moved under special permit shall be conspicuously marked in letters not less than one-half inch in height "low sugar content." Permits so issued shall be revocable at any time upon proper showing being made to the director of agriculture. Sugar content of grapes.

The following standard is hereby established for Emperor grapes packed in sawdust or similar packing material. "Fancy," sawdust pack, shall consist of bunches of well developed Emperor grapes which are uniformly well colored, mature, firmly attached to capstems, not shattered, split, crushed, wet, soft, wilted or scarred; which are free from shot berries, raisining or raisined berries, sunburned or dried berries, waterberry, mildew, mold, decay, and from damage caused by other disease, insects, or other means. Stems shall be mature and shall not be weak, dry or brittle. Bunches shall not be excessively straggly, and shall be not less than six inches in length, measured from shoulder to tip. Berries shall have a minimum diameter of five-eighths ($\frac{5}{8}$) of an inch, measured through the widest portion of the cross-section. In order to allow for variations incident to proper grading and handling, not more than ten per cent by weight of the bunches Standard for Emperor grapes.

may be between five and six inches in length, and in addition not more than five per cent by weight of the berries may be below the prescribed size. Not more than five per cent tolerance by weight may be allowed for grapes which fail to meet the remaining requirements of this grade, but no part of this tolerance shall be allowed for berries which are affected by mold or decay.

Label.

Any package of grapes which meet the requirements of this grade may be marked as "Fancy" or as "U. S. Fancy Sawdust Pack," but no package of Emperor grapes packed in sawdust or similar packing material shall bear any other designation of quality or grade, excepting that the term "Unclassified" may be marked on any package.

Standard for oranges.

Oranges shall not be deemed mature for packing, shipment, delivery for shipment or sale under the provisions of this act unless the juice contains soluble solids equal to or in excess of eight parts to every part of acid contained in the juice, the acidity of the juice to be calculated as citric acid without water of crystallization; *provided*, that the oranges have attained at least twenty-five per cent yellow or orange color before picking, *provided, however*, that oranges which are substantially or at least seventy per cent colored at the time of picking shall be deemed properly matured for shipment or sale, irrespective of analysis of the juice. The foregoing provisions shall not apply to shipments of oranges to foreign countries other than the Dominion of Canada, during any season, provided such shipments are not made before the first day of November.

Frosted citrus fruit.

It is unlawful for any person, firm or corporation to pack, ship, offer for shipment, sell or offer for sale, citrus fruit in boxes or other containers or in bulk if the contents of any package, or if the fruit in bulk, contains fifteen per cent or more citrus fruits by count showing marked evidence of frost injury.

Marked evidence of frost injury in citrus fruits is hereby defined as a water-soaked appearance or evidence of previous water-soaking, or the presence of crystals or crystalline deposit, on the two surface membranes of each of two or more segments, as shown on the separation of the segments one from another, of a section not less than one inch or more than one and one-half inches in thickness of the central portion of the fruit obtained by cutting off a portion of each end—the evidence of frost injury to show for the entire length but not necessarily the entire area of the surface membranes—or a drying or desiccation in twenty per cent or more of the exposed pulp as shown on a transverse cut through the center.

Standard for head lettuce.

Head lettuce when packed, or after packing, or when shipped, delivered for shipment, offered for sale or sold as a standard pack, shall contain either three dozen, three and a half dozen, four dozen, or five dozen heads of lettuce per crate. All head lettuce shall be tightly packed with a slight bulge of crates when lidded, and crates shall contain not

more than thirty pounds of ice. Crates in which lettuce does not conform to the above standards shall be conspicuously marked "Irregular pack" in letters not less than one-half inch in height.

Cantaloupes shall not be considered mature unless the juice of the edible portion of the cantaloupe contains not less than nine per cent soluble solids as determined by the Brix hydro-meter. Cantaloupes shall be considered unfit for shipment when soft or overripe. Cantaloupes.

Avocados shall not be considered mature when the edible portion shows an oil content of less than eight per cent by weight by chemical analysis. Avocados.

SEC. 11. The horticultural commissioner of each county, his deputy and inspectors, shall be, by virtue of their office, inspectors of fruits, nuts, and vegetables under this act in their respective counties. Inspectors.

SEC. 12. All enforcing officers under the provisions of this act shall have power to enter and to inspect every place within the county for which they have been appointed where any fruits, nuts or vegetables are produced, stored, packed, shipped, delivered for shipment, offered for sale or sold, and to inspect such places and all such fruits, nuts and vegetables and the containers thereof and equipment found in any such places, or when being transported. It shall be the duty of all enforcing officers mentioned in this act, to carry out the provisions of this act in their respective districts, and to cause the prosecution of any person, firm, corporation or organization, whom they know or have reason to believe to be guilty of the violation of any of its provisions. Any enforcing officer in the performance of his duties shall have the same powers possessed by peace officers of the city, county, or state, and shall have the right while exercising such police powers to seize and hold as evidence part or all of any pack, load, consignment or shipment of fresh fruits, nuts or vegetables packed, shipped, delivered for shipment, offered for sale or sold in violation of this act, as may in his judgment be necessary to secure the conviction of the party he knows or believes has violated or is violating any of the provisions of this act. He may start proceedings in any court of the county, or city and county, within his jurisdiction to secure the conviction of the party or parties who have violated any of the provisions of this act. It shall be the duty of the district attorney of said county, or city and county, in which any violation of this act may occur, to prosecute the person, firm, company, organization or corporation accused of such violation and also, at the request of the director of agriculture or his duly authorized agents, to institute and prosecute such action as may be authorized under the provisions of this act. Powers and duties of enforcing officers.

SEC. 13. It shall be lawful for any forwarding company, person, firm, corporation or organization and for any common carrier to decline to ship or transport any nuts or fresh fruits or vegetables which upon inspection are found to be Rejection of shipments delivered in violation of act.

delivered for shipment in violation of any of the provisions of this act, and any such forwarding company, person, firm, corporation, organization or a common carrier may reserve the right in any receipt, bill of lading or other writing given to the consignor thereof, to reject for shipment and to return to such consignor or hold at the expense and risk of the latter, all nuts and fresh fruits and vegetables which upon inspection are found to be delivered for shipment in violation of the provisions of this act.

Acts
declared
unlawful.

SEC. 14. It shall be unlawful for any person, firm, company, organization or corporation to pack or cause to be packed for sale or shipment, import, sell, offer for sale, or deliver for shipment any of the fresh fruits, nuts or vegetables specified in this act that do not conform to the standards herein provided. It shall also be unlawful to prepare, sell or offer for sale, a deceptive pack of fresh fruits, fresh vegetables, nuts, dried fruits or dried vegetables, or to mislabel any package of such fruits, nuts or vegetables. Any person, firm, company, corporation or organization who shall violate any of the provisions of this act shall be deemed to be guilty of a misdemeanor.

Penalty.

Rules and
regulations.

SEC. 15. The director of agriculture is empowered to define, promulgate and enforce such rules and regulations as may be deemed necessary to carry out the provisions of this act, and to prescribe the limits of tolerance within which deviations from the standard dimensions set forth in section seven shall be permitted.

Issuance of
certificates
showing
quality of
products.

SEC. 16. The director of agriculture and his duly authorized agents or employees may investigate and certify to shippers or other interested parties the quality and condition of fruit, vegetables, and other farm products which meet the requirements of this act, under such rules and regulations as he may prescribe, including the payment of such fees as will be reasonable; *provided*, that certificates issued by authorized agents of the department of agriculture shall be received in all courts of the State of California as prima facie evidence of the truth of the statements therein contained. Such investigations shall not be made or such certificates issued by any person not specially authorized by the director of agriculture. *Provided, further*, that no certificate shall be issued by the state or any person, firm, corporation or organizations for fruits, nuts or vegetables of a kind specified in this act unless such fruits, nuts or vegetables have been inspected and found to meet the requirements of this act. Any certificate issued by the state or any person, firm, corporation or organization under the provisions of this act shall truly state the grade, quality and condition of the fruits, nuts or vegetables certified and a true copy of such certificate shall be furnished to the director of agriculture or the county horticultural commissioner on demand.

All moneys collected under the provisions of this section shall be paid into the "standardization fund," which fund is hereby created, and of which one thousand dollars (\$1,000) may be used as a revolving fund, subject to the approval of the state board of control. The "standardization fund" shall be held subject to the uses of the director of agriculture for the purpose of carrying out the provisions of this section. Within ninety days after the end of each fiscal year the director of agriculture shall prepare a statement showing the receipt and expenditure of funds provided for in this section during the fiscal year, and shall, upon written request, forward a copy of this report to any party financially interested in the inspection work conducted under the authority of this section.

"Standardization fund."

Annual statement.

SEC. 17. 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.

SEC. 18. The "California fruit and vegetable standardization act," approved June 3, 1921, is hereby repealed.

Stats. 1921, p. 1234, repealed.

CHAPTER 351.

An act providing for the taking over by the State of California of a certain road in the county of Mendocino and declaring the same to be a state highway and for the maintenance and improvement of the same as a state road or state highway, and authorizing the board of supervisors of Mendocino county to convey said road to the State of California.

[Approved by the Governor May 23, 1925.]

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

SECTION 1. The board of supervisors of the county of Mendocino, State of California, is hereby authorized to transfer and convey unto the State of California that certain road situate in the said county of Mendocino, and described as follows: Commencing at a point on the state highway two thousand four hundred forty-six feet from the southern boundary of the town limits of the town of Ukiah city and running thence in an easterly direction along the course of the right of way of the present county road to the west line of the grounds of the Mendocino State Hospital, a distance of approximately two miles; and the board of supervisors of the county of Mendocino, State of California, is hereby authorized to execute on the part of said county of Mendocino, a deed to carry into effect such transfer and conveyance.

Highway to Mendocino State Hospital.

SEC. 2. Upon the execution and delivery of said deed, the said public highway hereinbefore referred to is hereby declared to be a state highway and placed under the management, jurisdiction and control of the California highway commission and said California highway commission is hereby authorized and directed to accept said deed and said road on behalf of the State of California as a state highway.

CHAPTER 352.

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

[Approved by the Governor May 23, 1925.]

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

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

Protection
of deer.

626f. Every person who, between the sixteenth day of October and the thirty-first day of August inclusive, of the following year, hunts, pursues, takes, kills or destroys or has in his possession, whether taken or killed in the State of California, or shipped into the state from any other state or territory or foreign country, any male deer or any deer meat, is guilty of a misdemeanor, except as hereinafter provided; *provided*, that any person in fish and game district one and three-fourths of the State of California, who between the sixteenth day of October and the fourteenth day of September, both dates inclusive, of the following year, hunts, pursues, takes, kills or destroys, or has in his possession, whether taken or killed in the State of California or shipped into the state from any other state or territory or foreign country, any male deer or any deer meat, is guilty of a misdemeanor; *provided*, that every person in game districts two, two and one-half and three of the State of California, who between the fifteenth day of September and the thirty-first day of July, inclusive, of the following year, hunts, pursues, takes, kills, or destroys, or has in his possession, whether taken or killed in the State of California, or shipped into the state from any other state or territory or foreign country, any male deer, or any deer meat is guilty of a misdemeanor; *provided, further*, that every person in game districts four and four and three-fourths of the State of California, who between the sixteenth day of October and the fifteenth day of September, inclusive, of the year following, hunts, pursues, takes, kills or destroys, or has in his possession, whether taken or killed in the State of California, or shipped into the state from any other state or territory or foreign country, any male deer, or any deer meat, is guilty of a misdemeanor; *provided, further*, that domesticated reindeer may be imported and sold, subject to such regulations as may be required by the fish and game commission.

CHAPTER 353.

An act to amend the act entitled "An act to be known as 'Palo Verde irrigation district act,' creating a consolidated irrigation, protection and reclamation district, subject to the approval of the owners of property within the district, to be known as 'Palo Verde irrigation district,' for the purpose of taking over the water rights and water system of the Palo Verde Mutual Water Company, a corporation, and of the stockholders thereof; the levees, properties and functions of the Palo Verde joint levee district of Riverside and Imperial counties, California; the properties and functions of the Palo Verde drainage district; and for the acquiring of such other properties, the construction of such other improvements and the doing of such other things as may be necessary for providing a unified and comprehensive method of supplying the irrigable low lands of Palo Verde valley comprised within the district with water for irrigation and domestic uses, reclaiming the swamp lands, destruction of mosquito pests, and protecting all the lands within the district, and the water system, from flood waters of the Colorado river, and for maintaining, improving, expanding and operating and governing the entire irrigation, protection and reclamation systems through a single district organization; providing also for the assumption, funding and payment of the bond and other obligations of said Palo Verde Mutual Water Company and said levee and drainage districts, and for the issuance of bonds for all of the aforesaid purposes; and providing for the payment, funding and refunding of all such indebtedness; providing also for an election to determine whether this district shall be organized, and for the organization, management and control of the district through a board of trustees if the proposed district is organized; defining the powers and duties of the board, authorizing the district to sue and be sued, providing for the levy and collection of assessments to finance the acquisition of the properties, to carry on the construction work, maintenance and operation of the same, and for the payment of bonds and the expense of maintaining the district created hereby; providing also a means for dissolving said district," approved June 21, 1923, by adding thereto a new section to be numbered section fifteen a, whereby the "Palo Verde irrigation district" authorized to be created by the act above mentioned, shall be empowered to authorize and issue bonds of the district for redemption of bonds of the Palo Verde joint levee district of Riverside and Imperial counties, California, and of the Palo Verde drainage district and of the Palo Verde Mutual Water Company; to exchange bonds of the district for such bonds or to make use of the proceeds of the sale of bonds of the district for the redemption of all such bonds, and to assess all of the lands and improvements within the

Palo Verde irrigation district uniformly for the payment of principal and interest of all such redemption or refunding bonds.

[Approved by the Governor May 23, 1925.]

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

Stats. 1923,
p. 1093,
amended.

SECTION 1. The act entitled "An act to be known as 'Palo Verde irrigation district act,' creating a consolidated irrigation, protection and reclamation district, subject to the approval of the owners of property within the district, to be known as 'Palo Verde irrigation district,' for the purpose of taking over the water rights and water system of the Palo Verde Mutual Water Company, a corporation, and of the stockholders thereof; the levees, properties and functions of the Palo Verde joint levee district of Riverside and Imperial counties, California; the properties and functions of the Palo Verde drainage district; and for the acquiring of such other properties, the construction of such other improvements and the doing of such other things as may be necessary for providing a unified and comprehensive method of supplying the irrigable low lands of Palo Verde Valley comprised within the district with water for irrigation and domestic uses, reclaiming the swamp lands, destruction of mosquito pests, and protecting all the lands within the district, and the water system, from flood waters of the Colorado river, and for maintaining, improving, expanding and operating and governing the entire irrigation, protection and reclamation systems through a single district organization; providing also for the assumption, funding and payment of the bond and other obligations of said Palo Verde Mutual Water Company and said levee and drainage districts, and for the issuance of bonds for all of the aforesaid purposes; and providing for the payment, funding and refunding of all such indebtedness; providing also for an election to determine whether this district shall be organized, and for the organization, management and control of the district through a board of trustees if the proposed district is organized; defining the powers and duties of the board, authorizing the district to sue and be sued, providing for the levy and collection of assessments to finance the acquisition of the properties, to carry on the construction work, maintenance and operation of the same, and for the payment of bonds and the expense of maintaining the district created hereby; providing also a means for dissolving said district," approved June 21, 1923, is hereby amended by adding thereto a new section to be numbered fifteen a, to read as follows:

Redemption
or exchange
by consoli-
dated district
of bonds of
constituent
districts.

Sec. 15a. The Palo Verde irrigation district having been duly created in pursuance and by virtue of the Palo Verde irrigation district act above mentioned, and the board of trustees of said district having taken over all of the properties and functions of the Palo Verde joint levee district of River-

side and Imperial counties, California, and of the Palo Verde drainage district, and all of the territory of both of said former districts having been merged in said new district, which new district comprises the territory in both of said former districts; and it appearing to the legislature that all of the levee and other protection works or structures and all other drainage canals and other drainage works, and all of the irrigation system of the Palo Verde Mutual Water Company which have heretofore been constructed by either and all of said organizations or which may hereafter be constructed, maintained and operated by the Palo Verde irrigation district, are uniformly advantageous and beneficial to all of the lands within said district;

It is therefore found, and the legislature does hereby declare, that all of the lands and improvements thereon within the boundaries of the Palo Verde irrigation district have been, are now, and will continue to be uniformly benefited by the strengthening, maintenance and operation of all existing levees, drains, and water system, as well as additions, extensions, or improvements thereof which may hereafter be constructed, maintained and operated, and should therefore bear the burden of the entire cost thereof upon a uniform basis. Accordingly, said Palo Verde irrigation district is, through its board of trustees, in the manner provided by sections fifteen to twenty-nine (both inclusive) of said act, and by sections fifty-seven, fifty-eight and fifty-nine as well as all other provisions of the act pertaining thereto, are hereby authorized and empowered to make estimates of the amount of money, or amount of bonds, or both, that may be required for the redemption of the whole or any part of any of the outstanding bonds, which have been heretofore or which may hereafter be issued, by the Palo Verde joint levee district of Riverside and Imperial counties, California, the Palo Verde drainage district and the Palo Verde Mutual Water Company (in the event the system of the last named company may be acquired by this district as authorized by the act under which it was created), and include in any bond issue that may be authorized to be created, or provide by a separate bond issue, such bonds as may be determined to be necessary for the purpose of redeeming any or all of such outstanding bonds which the board of trustees may determine shall be redeemed, and all such bonds so authorized may be issued, exchanged, sold or disposed of in the manner provided in said act, and the said bonds, or the proceeds thereof, used for the purpose of making such redemption; *provided*, that redemption of or exchange of bonds heretofore issued shall be made only with the consent of the persons holding any such bonds to be redeemed or exchanged, unless the statute under which such bonds were issued expressly authorized at the time of issuance such redemption or exchange, and in the latter event the provisions in said statute shall likewise be complied with, and all bonds so issued for that purpose, as well as all bonds

issued by the district for any other purpose authorized by said act, together with the interest thereon, shall be paid and retired by uniform assessment upon all of the lands and improvements within the district in the manner provided in said Palo Verde irrigation district act, and the power of the district to carry the provisions of this amendment into effect are hereby ratified and confirmed notwithstanding any provision in said act to the contrary.

The provisions of this amendment shall control any of the provisions of said act where inconsistent; but if this amendment or any provision thereof should be found or declared judicially to be unconstitutional or illegal, none of the provisions of the act originally adopted shall be affected thereby.

CHAPTER 354.

An act to amend section nine of the "workmen's compensation, insurance and safety act of 1917," approved May 23, 1917, as amended, to increase the allowance for burial expenses when the injury results in death, from one hundred dollars to one hundred fifty dollars and to make the allowance for burial expenses in addition to the death benefit for both total and partial dependency.

[Approved by the Governor May 23, 1925.]

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

Stats. 1919,
p. 913,
amended.

SECTION 1. Section nine of the "workmen's compensation, insurance and safety act of 1917," approved May 23, 1917, as amended, is hereby amended to read as follows:

Schedule of
compensation.

Sec. 9. 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
and hospital
treatment.

(a) Such medical, surgical and hospital treatment, including nursing, medicines, medical and surgical supplies, crutches and apparatus, including artificial members, as may reasonably be required 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; *provided*, that if the employee so requests, the employer shall tender him one change of physicians and shall nominate at least three additional practicing physicians competent to treat the particular case, or as many as may be available if three can not reasonably be named, from whom the employee may choose; the employee shall also be entitled, in any serious case, upon request, to the services of a consulting physician to be provided by the employer; all of said treatment to be at the expense of the employer. If the employee so requests, the employer must procure certification by the commission or a commissioner of the competency for the particular case of the consulting or

additional physicians; *provided, further*, that the foregoing provisions regarding a change of physicians shall not apply to those cases where the employer maintains, for his own employees, a hospital and hospital staff, the adequacy and competency of which have been approved by the commission. Nothing contained in this section shall be construed to limit the right of the employee to provide, in any case, at his own expense, a consulting physician or any attending physicians whom he may desire. Controversies between employer and employee, arising under this section, shall be determined by the commission, upon the request of either party.

(b) If the injury causes temporary disability, a disability payment which shall be payable for one week in advance as wages on the eighth day after the injured employee leaves work as a result of the injury. If the injury causes permanent disability, a disability payment which shall be payable for one week in advance as wages on the eighth day after the injury. Such indemnity shall thereafter be payable on the employer's regular pay day, but not less frequently than twice in each calendar month, unless otherwise ordered by the commission, subject, however, to the following limitations:

Time of disability payments.

(1) If the period of disability does not last longer than seven days from the day the employee leaves work as the result of the injury, no disability payment whatever shall be recoverable.

Disability less than 7 days.

(2) If the period of disability lasts longer than seven days from the day the employee leaves work as the result of the injury, no disability payment shall be recoverable for the first seven days of disability suffered.

Disability more than 7 days.

2. The disability payment shall be as follows:

Amount of disability payments.

(1) If the injury causes temporary total disability, sixty-five per cent of the average weekly earnings during the period of such disability, consideration being given to the ability of the injured employee to compete in an open labor market;

(2) If the injury 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 injury is at times total and at times partial the weekly disability payment during the period of each such total or partial disability shall be in accordance with paragraphs one and two of this subdivision respectively;

(4) Paragraphs one, two, and three of this subdivision shall be limited as follows: Aggregate disability payments 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 injury.

Aggregate disability payments.

(5) If the injury causes permanent disability, the percentage of disability to total disability shall be determined and the disability payment computed and allowed as follows: For

Computation of payments when disability permanent.

a one per cent disability, sixty-five per cent of the average weekly earnings for a period of four weeks; 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.

(6) The payment 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.

(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, consideration being given to the diminished ability of such injured employee to compete in an open labor market.

(8) Where an injury causes both temporary and permanent disability, the injured employee shall not be entitled to both a temporary and permanent disability payment, but only to the greater of the two.

(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

Only one
payment.

Permanent
disabilities
presumed to
be total.

other cases, permanent total disability shall be determined in accordance with the fact.

(10) The percentage of permanent disability caused by any injury shall be so computed as to cover the permanent disability caused by that particular injury without reference to any injury previously suffered or any permanent disability caused thereby. Percentage of permanent disability.

(11) The commission may prepare, adopt, and from time to time amend, a schedule for the determination of the percentages of permanent disabilities, such table to be based upon the proper combinations of the factors indicated in subdivision seven above. Such schedule shall be available for public inspection and without formal introduction in evidence shall be prima facie evidence of the percentage of permanent disability to be attributed to each injury covered by said schedule. Schedule for determination of permanent disabilities.

3. The death of an 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, or, if there are no dependents, to the personal representative of the deceased employee or heirs or other persons entitled thereto, without administration, but such death shall be deemed to be the termination of the disability. Death of injured employee.

(c) If the injury causes death, either with or without disability, the burial expense of the deceased employee as hereinafter limited and 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: Death benefits.

(1) In case the deceased employee leaves a person or persons wholly dependent upon him for support, such dependents shall be allowed the reasonable expenses of his burial, not exceeding one hundred fifty dollars, and a death benefit, which shall be a sum sufficient, when added to the disability indemnity which at the time of his death has accrued and become payable, under the provisions of subsection (b) hereto, 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 thirty-three dollars and thirty-three cents, nor more than one thousand six hundred sixty-six dollars and sixty-six cents. If deceased employee leaves dependents.

(2) In case the deceased employee leaves no person wholly dependent upon him for support, but one or more persons partially dependent therefor, the said dependents shall be allowed the reasonable expenses of his burial, not to exceed one hundred fifty dollars, and, in addition thereto, a death benefit which shall amount to three times the annual amount devoted by the deceased to the support of the person or persons so partially dependent; *provided*, that the death benefit shall not If employee leaves persons partially dependent.

be greater than the 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) hereof, 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 thirty-three dollars and thirty-three cents, nor more than one thousand six hundred sixty-six dollars and sixty-six cents.

If no dependents.

(3) If the deceased employee leaves no person dependent upon him for support, the employer shall be liable for the reasonable expenses of his burial, not exceeding one hundred fifty dollars, and such other benefit as may be provided by law.

Payments discharge employer.

(d) Payment of compensation in accordance with the order and direction of the commission shall discharge the employer from all claims therefor.

CHAPTER 355.

An act to amend section twenty-four of the "workmen's compensation, insurance and safety act of 1917," approved May 23, 1917, as amended, to secure to claimants for benefits under said act preference over other debts of the employer or his estate or of the insurance carrier.

[Approved by the Governor May 23, 1925.]

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

Stats. 1923, p. 772, amended.

SECTION 1. Section twenty-four of the "workmen's compensation, insurance and safety act of 1917," approved May 23, 1917, as amended, is hereby amended to read as follows:

Claim not assignable.

Sec. 24. (a) No claim for compensation shall be assignable before payment, but this provision shall not affect the survival thereof, nor shall any claim for compensation, or compensation awarded, adjudged or paid, be subject to be taken for the debts of the party entitled to such compensation, except as hereinafter provided. No compensation, whether awarded or voluntarily paid, shall be paid to any attorney at law or in fact or other agent, but shall be paid directly to the claimant entitled to the same, unless otherwise ordered by the commission. Any payment made to such attorney at law or in fact or other agent in violation of the provisions of this section shall not be credited to the employer.

Lien against amount due as compensation.

(b) The commission may fix and determine and allow as a lien against any amount to be paid as compensation:

(1) A reasonable attorney's fee for legal services pertaining to any claim for compensation, either before the commission or before any of the appellate courts, and the reasonable disbursements in connection therewith.

(2) The reasonable expense incurred by or on behalf of the injured employee, as defined in subsection (a) of section nine hereof.

(3) The reasonable value of the living expenses of an injured employee or of his dependents, subsequent to the injury.

(4) The reasonable burial expense of the deceased employee, not to exceed the sum of one hundred fifty dollars.

(5) The reasonable living expenses of the wife or minor children of the injured employee, or both, subsequent to the date of the injury, where such employee has deserted or is neglecting his family, to be allowed in such proportion as the commission shall deem proper, upon application of the wife or guardian of the minor children.

(c) If notice in writing be given to the insurance carrier or employer, if he be uninsured, setting forth the nature and extent of any claim that may be allowed as a lien, the said claim shall be a lien against the amount thereafter to be paid as compensation, subject to the determination of the amount and approval thereof by the commission. The commission may, in its discretion, order the amount of such claim as fixed and allowed by it paid directly to the person entitled, either in a lump sum or in installments. Where it appears in any proceeding pending before the commission that a lien should be allowed if the same had been duly requested by the party entitled thereto, the commission may, in its discretion, and without any request for such lien having been made, order the payment of such claim to be made directly to the person entitled, in the same manner and with the same effect as though such lien had been regularly requested, and the award to such person shall constitute a lien against unpaid compensation due at the time of service of said award.

Notice
of claim.

Award by
commission.

(d) No charge, claim or agreement for the legal services or disbursements mentioned in paragraph (1) of subsection (b) hereof, or for the expense mentioned in paragraph (2) of said subsection (b), in excess of a reasonable amount, shall be enforceable, valid or binding in any respect and it shall be competent for the commission to determine what constitutes a reasonable amount.

Excessive
claim.

The privilege of any person, except an attorney admitted to practice in the supreme court of the State of California, to appear in any proceeding as a representative of any party before the commission, or any of its referees, may be removed, denied, prohibited or suspended by the commission for a violation of the foregoing provisions of this section or for other good cause, after hearing had.

Right to
appear
before
commission.

(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 debts of the employer, or his estate, as is given by law to claims for wages. Such preference shall be for the entire amount of the compensation to be paid, but this section shall not impair the lien of any previous award.

Preference of
claim or
award.

CHAPTER 356.

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

[Approved by the Governor May 23, 1925.]

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

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

Protection
of striped
bass and
shad.

628a. Every person, who at any time, buys, sells, offers for sale or has in his possession any striped bass of less than twenty inches in length measured from the tip of the snout to the extreme tip of the tail, or who between March first and May thirty-first, both dates inclusive, buys, sells, offers or exposes for sale or has in his possession any striped bass of more than ten pounds in is guilty of a misdemeanor; *provided*, that nothing in this act shall prohibit the possession of any striped bass of over ten pounds in weight when taken by hook and line in the manner commonly known as angling and in accordance with the limit provisions of this act between the dates above mentioned but such striped bass can not be shipped, sold or offered for sale; every person who, except with hook and line, and in the manner commonly known as angling, takes, catches, kills or has in his possession any striped bass or shad between the seventeenth day of September and the fourteenth day of November, inclusive, of any years, or between the sixteenth day of May and the thirty-first day of July, both dates inclusive, of any year, or who, between the seventeenth day of September and the fourteenth day of November, inclusive, or between the sixteenth day of May and the thirty-first day of July, inclusive, of any year, takes, catches, kills or has in his possession more than five striped bass or shad, or who, between the seventeenth day of September and the fourteenth day of November, inclusive, or between the sixteenth day of May and the thirty-first day of July, inclusive, of any year, buys, sells, offers for sale, ships or offers for shipment, or receives for shipment or transportation, any striped bass, or who at any time offers for shipment, ships or receives for shipment or transportation from the State of California, to any place in any other state, territory or foreign county any striped bass is guilty of a misdemeanor. Every person who takes any striped bass or shad in a net, any of the meshes of which are, when drawn closely together and measured inside the knots, less than five and one-half inches in length, is guilty of a misdemeanor. Every person who shall cast, extend or draw, or assist in casting, extending or drawing any net or seine, for the purpose of taking or catching any shad or striped bass in any of the waters of this state at any time between sunrise of each Saturday and sunset of the following Sunday is guilty of a misdemeanor. Every person who, in fish and game district one, two and three takes, catches or kills more than five striped bass in any one calendar day, or who buys, sells or offers or

exposes for sale any striped bass caught or taken in fish and game districts numbers one, two or three, is guilty of a misdemeanor.

Be it provided, that nothing in this section shall prohibit ^{Limit.} any person from having in his possession, in any one calendar day, not to exceed five striped bass between twelve inches in length and twenty-one inches in length measured from the tip of the snout to the extreme tip of the tail, but such striped bass must be caught only with hook and line and must not be bought, sold or offered for sale, or shipped or offered for shipment.

And be it provided, further, that nothing in this section shall prohibit any person from holding in his possession, between ^{Cold storage.} May sixteenth and July thirty-first, inclusive, or between September seventeenth and November fourteenth, inclusive, striped bass legally caught in open season if the holder of such striped bass places them in cold storage in a public warehouse to be approved by the fish and game commission and causes non-negotiable warehouse receipts to be issued therefor in the name of said commission which receipts shall be held by said commission until the next opening of the striped bass season. At the opening of the striped bass season the fish and game commission shall surrender the striped bass so held to the owner when he shall have paid all storage charges and any expenses incurred by the fish and game commission relative to the storage of the striped bass. Every person who violates any of the provisions of this section is guilty of a misdemeanor.

CHAPTER 357.

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

[Approved by the Governor May 23, 1925.]

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

SECTION 1. Section seventy-one of an act entitled "An ^{Stats. 1915,} act to provide for the organization of the railroad commission, ^{p. 164,} to define its powers and duties and the rights, remedies, ^{amended.} powers and duties of public utilities and their officers, and the rights and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers,

agents and employees and by other persons and corporations, creating the 'railroad commission fund' and appropriating the moneys therein to carry out the provisions of this act, and repealing title fifteen of part four of division first of the Civil Code and all acts and parts of acts inconsistent with the provisions of this act," approved April 23, 1915, as amended, is hereby amended to read as follows:

Reparation
for over-
charges.

Sec. 71. (a) When complaint has been made to the commission concerning any rate, fare, toll, rental or charge for any product or commodity furnished or service performed by any public utility, and the commission has found, after investigation, that the public utility has charged an unreasonable, excessive or discriminatory amount for such product, commodity or service, the commission may order that the public utility make due reparation to the complainant therefor, with interest from the date of collection; *provided*, no discrimination will result from such reparation; *and provided further*, that no order for the payment of reparation upon the ground of unreasonableness shall be made by the commission in any instance wherein the rate, fare, toll, rental or charge in question has, by formal finding, been declared by the commission to be reasonable; *and provided further*, that no assignment of a reparation claim shall be recognized by the commission except assignments by operation of law as in cases of death, insanity, bankruptcy, receivership or order of court.

Suit to
recover
over-
charges.

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

CHAPTER 358.

An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein.

[Approved by the Governor May 23, 1925.]

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

Municipal
courts
authorized.

SECTION 1. A municipal court is hereby authorized to be established for each chartered city or city and county of

the state having a population of more than forty thousand inhabitants as ascertained by the census taken under the authority of the congress of the United States last preceding the establishment of such court, whenever such city or city and county by its charter provides for the establishment of such court, or whenever a majority of the qualified electors of any such city or city and county voting upon the question of the establishment of such municipal court, vote in favor thereof.

SEC. 2. Whenever the charter of a city or city and county, either as originally adopted or by amendment thereto, provides for the establishment of a municipal court, such court shall begin to function at the time fixed in the charter, or if no time is therein fixed then at such time as shall be fixed by an ordinance of the legislative body of such city or city and county.

When they begin to function.

SEC. 3. The question of the establishment of a municipal court for any such city or city and county may be presented to the qualified electors thereof either at any election being held generally throughout the city or city and county or at a special election called for the purpose. If the question is presented at any election held generally throughout the city or city and county it shall appear on the ballots used at such election and the result of the vote thereon shall be certified by the officers who record the result of such election.

Question of establishment.

The question of the establishment of a municipal court shall be ordered submitted to the qualified electors of any such city or city and county by an ordinance adopted by the legislative body thereof, at least thirty days prior to the holding of the election at which the question is to be submitted.

Such ordinance shall prescribe (a) the question to be submitted, which shall be substantially in the following form: Shall a municipal court be established for the city (or city and county) of -----? Opposite such question the words "Yes" and "No" shall be printed in separate lines with voting squares. If an elector shall stamp a cross "X" in the voting square opposite the printed word "Yes" his vote shall be counted in favor of the establishment of such municipal court and if an elector shall stamp a cross "X" opposite the printed word "No" his vote shall be counted against the establishment of such municipal court; (b) the date on which the question will be submitted to a vote and whether at an election being held generally throughout the city or city and county or at a special election to be so held; (c) the date at which the court shall begin to function. If such question is to be presented at a special election the ordinance must further prescribe (d) the polling places, election precincts, election officers and the manner of conducting such election and determining the result thereof.

Such ordinance shall be published in the manner required by the charter of the city or city and county, but not less than once in a newspaper of general circulation published in such city or city and county.

If a majority of the qualified electors voting on the question approve the establishment of such court, it shall be established and commence to function at the time prescribed.

Courts
superseded.

SEC. 4. In each city or city and county, in which a municipal court is established as herein provided, there shall be no other court inferior to the superior court unless it be a court having jurisdiction in cases in which the claim or demand is fifty dollars or less. Upon the establishment of a municipal court as herein provided all existing inferior courts, except as above provided, in the city or city and county wherein such municipal court is established and in a township situated wholly within such city or city and county shall be superseded by the municipal court, and the judges, justices, clerks and other attaches of such inferior court or courts shall become and be the judges, clerks and other attaches of the municipal court, in the manner and until such time as their successors are elected or appointed as hereinafter provided.

Pending
actions.

All actions pending and all records of every court inferior to the superior court, the jurisdiction of which lies wholly within a city or city and county within which a municipal court is to be established, shall upon the day fixed for the establishment of such municipal court become actions pending in and records of such municipal court. All actions pending in, and records of courts, the jurisdiction of which falls partly within and partly without a city or city and county in which a municipal court is to be established, shall after the establishment of such municipal court continue in such inferior court; *provided, however*, that thereafter any actions then pending, together with the records thereof which could or should have been brought in such municipal court, if such municipal court had been established at the time such action was brought, shall upon motion of any party thereto be transferred to and become a case pending in and records of such municipal court.

Jurisdiction
over annexed
territory.

SEC. 5. In the event that there is annexed to a city having a municipal court, territory comprising all of the jurisdiction of an inferior court, the records of and cases pending in such inferior court shall become the records of and cases pending in the municipal court.

In the event that there is annexed to a city having a municipal court, territory comprising part of the jurisdiction of an inferior court, the part of the township or other judicial subdivision not annexed shall continue as a judicial subdivision, but that annexed to the city shall be within the jurisdiction of the municipal court.

Cities of
1st class:
Judges, etc.

SEC. 6. The municipal court in a city or city and county of the first class shall be constituted and the judges, officers and attaches thereof, shall receive compensation as follows:

(a) There shall be fifteen judges, each of whom shall receive six thousand dollars per annum, payable in equal monthly installments;

(b) There shall be one clerk to be appointed by the judges of the court;

(c) The clerk shall appoint the following:

One chief deputy clerk; one cashier and head bookkeeper; one messenger; five registry clerks; ten assistant registry clerks; fifteen court clerks; twelve copyists.

SEC. 7. The municipal court in a city or city and county of the first and one-half class shall be constituted and the judges, officers and attaches thereof shall receive compensation as follows: Cities of
1 1/2 class:
Judges, etc.

(a) There shall be twenty-four judges, each of whom shall receive six thousand dollars per annum, payable in equal monthly installments;

(b) There shall be one clerk to be appointed by the judges of the court who shall receive three hundred twenty-five dollars per month;

(c) The clerk shall appoint the following:

One chief deputy clerk, who shall receive three hundred dollars per month;

One chief clerk of the civil department who shall receive two hundred fifty dollars per month;

One chief clerk of the criminal department who shall receive two hundred fifty dollars per month;

Fourteen court clerks, criminal department, each of whom shall receive two hundred twenty-five dollars per month;

Seventeen court clerks, civil department, each of whom shall receive one hundred seventy-five dollars per month;

One cashier and bookkeeper who shall receive two hundred fifty dollars per month;

One assistant cashier and bookkeeper who shall receive one hundred seventy-five dollars per month;

Twenty deputy clerks, each of whom shall receive one hundred fifty dollars per month;

One stenographic secretary who shall receive one hundred fifty dollars per month;

Three typist clerks, each of whom shall receive one hundred twenty-five dollars per month;

One head file clerk who shall receive one hundred fifty dollars per month;

Three file clerks, each of whom shall receive one hundred twenty-five dollars per month;

(d) There shall be one marshal to be appointed by the judges of the court, who shall receive three hundred twenty-five dollars per month;

(e) The marshal shall appoint the following:

One assistant marshal who shall receive two hundred fifty dollars per month;

One chief criminal deputy who shall receive two hundred twenty-five dollars per month;

One secretary (male), who shall receive one hundred seventy-five dollars per month;

Four counter clerks (male), each of whom shall receive one hundred fifty dollars per month;

Two stenographers (male), each of whom shall receive one hundred fifty dollars per month;

Four typist clerks (male), each of whom shall receive one hundred twenty-five dollars per month;

One head bookkeeper (male), who shall receive one hundred seventy-five dollars per month;

Three bookkeepers (male), each of whom shall receive one hundred fifty dollars per month;

Ten criminal deputies, each of whom shall receive one hundred ninety dollars per month;

Twenty-six deputies, each of whom shall receive one hundred fifty dollars per month.

Cities of
2d class:
Judges, etc.

SEC. 8. The municipal court in a city or city and county of the second class shall be constituted and the judges, officers and attaches thereof shall receive compensation as follows:

Cities of
2 1/4 class:
Judges, etc.

SEC. 9. The municipal court in a city or city and county of the second and one-fourth class shall be constituted, and the judges, officers and attaches thereof shall receive compensation as follows:

(a) There shall be four judges, each of whom shall receive five thousand dollars per annum, payable in equal monthly installments;

(b) There shall be one clerk, to be appointed by the judges of the court, who shall receive two hundred twenty-five dollars per month;

(c) The clerk shall appoint the following:

Four court clerks, each of whom shall receive one hundred seventy-five dollars per month;

Three deputy clerks, each of whom shall receive one hundred seventy-five dollars per month;

One stenographer, who shall receive one hundred fifty dollars per month;

(d) There shall be one marshal, to be appointed by the judges of the court, who shall receive three hundred dollars per month;

(e) The marshal shall appoint the following:

One chief deputy who shall receive two hundred dollars per month;

Four deputies, each of whom shall receive one hundred fifty dollars per month;

One stenographer who shall receive one hundred fifty dollars per month.

Cities of
2 1/2 class:
Judges, etc.

SEC. 10. The municipal court in a city or city and county of the second and one-half class, shall be constituted, and the judges, officers and attaches thereof shall receive compensation as follows:

(a) There shall be five judges, each of whom shall receive six thousand dollars per annum, payable in equal monthly installments;

(b) There shall be one clerk who shall also be secretary to the court, to be appointed by the judges thereof, who shall receive three hundred dollars per month;

(c) The clerk shall appoint the following:

One chief deputy who shall receive two hundred fifty dollars per month; nine deputies who shall each receive two hundred dollars per month; one stenographer, male, who shall receive one hundred fifty dollars per month; one stenographer, female, who shall receive one hundred twenty-five dollars per month;

(d) There shall be one marshal to be appointed by the judges of the court who shall receive three hundred twenty-five dollars per month;

The marshal shall appoint the following:

One chief deputy who shall receive two hundred fifty dollars per month; seven deputies who shall each receive two hundred dollars per month.

SEC. 11. The municipal court in a city or city and county of the second and three-fourths class, shall be constituted, and the judges, officers and attaches thereof shall receive compensation as follows: Cities of 2 3/4 class: judges, etc.

(a) There shall be four judges, each of whom shall receive five thousand dollars per annum, payable in equal monthly installments;

(b) There shall be one clerk, to be appointed by the judges of the court, who shall receive two hundred twenty-five dollars per month;

(c) The clerk shall appoint the following:

Four court clerks, each of whom shall receive one hundred seventy-five dollars per month;

Three deputy clerks, each of whom shall receive one hundred seventy-five dollars per month;

One stenographer who shall receive one hundred fifty dollars per month;

(d) There shall be one marshal, to be appointed by the judges of the court, who shall receive three hundred dollars per month;

(e) The marshal shall appoint the following:

One chief deputy who shall receive two hundred dollars per month;

Four deputies, each of whom shall receive one hundred fifty dollars per month;

One stenographer who shall receive one hundred fifty dollars per month.

SEC. 12. The judges, clerks and other attaches of any court shall be electors of the city or city and county in which they are elected or appointed. Judges, etc., to be electors.

SEC. 13. The clerk, or chief clerical officer by whatever name known, his deputies and other attaches in his office and the constable, or similar official, his deputies and attaches, of each court superseded by a municipal court, shall become the clerk, his deputies and attaches and the marshal, his deputies and attaches of the municipal court upon its organization, so far as such positions are provided by law. All such persons shall be deemed to be appointed upon the organization of Officers, etc. of superseded courts.

the court and to have met all of the requirements for appointment to permanent positions as hereinafter provided and shall be removed only for the causes and in the manner provided for the removal of officers and attaches; *provided*, that any police officer appointed and acting as bailiff in any police court superseded by a municipal court shall be deemed to be appointed ex officio a deputy marshal subject to the same conditions under which he shall have been first appointed, without prejudice, however, to his rights by virtue of his employment as such police officer; *and provided, further*, that in any city or city and county having a consolidated city and county government the sheriff of the city and county and his deputies shall be ex officio the marshal and deputy marshals of the municipal court and shall perform all the duties imposed and exercise all the powers conferred upon the marshal and deputy marshals of the municipal court.

Marshals.

Assignment
to offices
and
positions.

SEC. 14. Upon the consolidation of two or more inferior courts into a municipal court as herein provided, if it shall appear that two or more clerks, officers, deputies, or attaches, are by virtue of the office held in any superseded court, equally entitled to any one office in the municipal court the judges shall by a majority vote determine which person shall be entitled to the office wherein the conflict exists. Upon the organization of the court as herein provided, the clerks, deputies and attaches of the superseded court or courts shall be assigned to positions in the municipal court similar in duties and compensation to the positions held in any such superseded court. Every person who succeeds to any office or position in the municipal court by virtue of any of the provisions of this act shall continue in office and be entitled to all of the benefits and privileges, not inconsistent herewith, which attached to any such person by virtue of his office or position in any superseded inferior court.

Term of
judge.

SEC. 15. The term of office of each judge of a municipal court shall be six years, or until his successor is elected and qualifies.

First
election.

SEC. 16. The first election of judges of the municipal court shall be held at the time of the first general municipal election following the expiration of four months after the establishment of the court. The judges elected at such election shall take office at the same time as the municipal officers elected at such election.

Designation
of terms.

In cities having municipal elections biennially, the judges shall immediately after the first election divide their number by lot so that not less than one-third thereof (but as near one-third as possible) shall have a six year term, a like number shall have a four year term and the remainder a two year term. In cities holding municipal elections triennially, the judges shall immediately after their first election divide their number so that not less than one-half, but as near one-half as possible, shall have a six year term, and the remainder shall have a three year term.

The laws respecting the nomination and election of municipal officers of the city for which any municipal court has been established shall be applicable to the judges of such court; *provided, however,* that each judge of the municipal court shall be deemed to hold a separate office, for all purposes of such election, and at any election at which more than one judge of a municipal court is to be elected, the several offices shall be distinguished one from the other by appropriate designation, and no person may be a candidate for more than one such office at any election.

Election laws.

SEC. 17. Any vacancy in the office of a judge of a municipal court shall be filled by appointment by the governor, and any person so appointed shall hold office until the expiration of the term of the office to which he was appointed, and until his successor is elected and qualified.

Judicial vacancies.

SEC. 18. All vacancies in the office of clerk or marshal shall be filled by appointment by majority vote of the judges. All vacancies in the clerk's office shall be filled by appointment by the clerk. All vacancies in the marshal's office shall be filled by appointment by the marshal, and it shall be competent for the marshal to appoint a deputy clerk or court clerk, *ex officio* a deputy marshal; *provided,* that no person so appointed shall receive any increased compensation. In any city or city and county which has a civil service commission all appointments to fill vacancies as provided in this section shall be from among the three highest of those certified to the appointing officer by such civil service commission to be eligible to the office of the position to be filled. Such eligibility list shall be obtained as the result of a competitive examination given to determine the relative fitness of those taking it for the position to be filled. A temporary appointment may be made whenever there is not a list containing at least three names of persons eligible and willing to accept an appointment, but such temporary appointment shall not be valid more than thirty days after a list of three eligibles is certified to the appointing officer by the commission.

Appointment of officers and attaches.

In any city or city and county which has no civil service commission, the secretary of the court, the clerk and his deputies and attaches and the marshal and his deputies and attaches shall be appointed because of their ability and fitness for the positions they are to fill. Such appointments however shall be subject to confirmation by the judge or by a majority of the judges of the court.

SEC. 19. The secretary of the court, the clerk and his deputies and attaches and the marshal and his deputies and attaches shall hold office during good behavior and may be discharged by the officer appointing them only for the good of the service. The reasons for the discharge shall be filed with the secretary of the court, or if there be no secretary of the court, then with the clerk of the court, at least ten days before the discharge shall be effective. Upon the filing of the reasons, the person proposed to be discharged may be sus-

Discharge of officers and attaches.

pended from duty either with or without pay, pending his final discharge. The person against whom charges have been filed may within ten days file his reply thereto. At the end of the ten days the person shall be either reinstated or discharged unless an additional time for investigation is desired by the appointing officer. The determination of the appointing officer to discharge the person against whom charges have been filed shall be final and conclusive; *provided*, that nothing herein contained shall limit the right of any person to the benefits of the civil service provisions of the charter of the city or city and county wherein any such municipal court is situated, or of the rules of the civil service commission having jurisdiction of such person, respecting suspensions and dismissals.

Places of sessions.

SEC. 20. Sessions of a municipal court may be held at any place or places within the city for which the court is established.

Departments.

SEC. 21. The municipal 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. The presiding judge may be removed at any time and another chosen in his place by a majority vote of the judges of said court. 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. 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 his 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 the 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 as effectual as though all the judges had presided at such session.

Presiding judge.

Salaries, quarters, supplies, etc.

SEC. 22. The salaries of the judges, clerks, marshals, officers and other attaches of each municipal court shall be paid out of the salary fund, or if there be no salary fund, then out of the general fund, of the county in which any such court is situated. The board of supervisors shall provide suitable quarters for the municipal courts, and shall supply them with the furniture, books and supplies necessary for carrying out their duties.

Judicial townships.

SEC. 23. Whenever a municipal court is established for any city which lies partly within and partly without one or more judicial townships, the board of supervisors of the county within which the municipal court is established shall immediately by ordinance divide such county into judicial townships are public convenience may require.

SEC. 24. Whenever a municipal court is established in a city or city and county wherein there is an officer charged with the duty of prosecuting misdemeanor charges in the police court of such city or city and county, such prosecuting officer shall prosecute all such misdemeanor charges in the municipal court with the same rights, duties and privileges with respect thereto that he formerly exercised with respect to such charges in such police court, including the prosecution of appeals in criminal cases arising in the municipal court and the defense of all writs arising out of arrests for offenses triable in the municipal court in whatever court or courts the same may be appealed to or initiated in.

Prosecuting
attorney.

SEC. 25. Whenever a municipal court is established in a city or city and county wherein there is a probation officer, public defender, parole board or other officer or board charged with duties with respect to misdemeanor charges prosecuted in the police court of such city or city and county, such boards, officers and their deputies shall perform the same duties in such municipal court as they formerly performed in such police court.

Duties of
other
officers.

SEC. 26. The municipal court and each judge thereof shall have and exercise all of the powers and shall do and perform all of the acts which were conferred upon, or required of, any police court, justice's court, police judge or justice of the peace, by law, whenever any such inferior court shall have been superseded by a municipal court and whenever any such police judge or justice of the peace shall become a judge of the municipal court by reason of any of the provisions of this act, and all such laws, not inconsistent herewith, are made applicable to any such municipal court and to each judge thereof.

Powers and
duties of
court and
judge.

SEC. 27. Whenever by law any power is conferred, or duty imposed, upon a clerk of any inferior court, superseded by a municipal court, the person discharging the same or similar duties in the municipal court shall be vested with the same power and shall be charged with the same duty with respect to his office in the municipal court.

Clerk's
powers and
duties.

SEC. 27a. In the month of January of each year, it shall be the duty of each municipal court, except as hereinafter otherwise provided, to make an order designating the estimated number of trial jurors that will, in the opinion of said court be required for the transaction of the business of said court and the trial of causes therein during the ensuing year, or until new lists of jurors shall be provided, and the selection and listing of such jurors shall be made of men and women suitable and competent to serve as such jurors. Jurors in municipal courts shall be drawn and summoned in the manner provided in title three of the Code of Civil Procedure for the drawing and summoning of trial jurors in the superior court, in so far as such provisions are applicable in their nature to municipal courts, and the powers, duties and functions with respect thereto of the superior court, the judge or a majority

Selection,
listing and
drawing of
trial jurors.

of the judges thereof, of the county clerk or of the clerk of the superior court, and of the sheriff as therein provided, shall be severally vested in, imposed upon and exercised by the municipal court, the judge or a majority of the judges thereof, the clerk of the municipal court and the marshal thereof; *provided, however*, that when there is more than one judge of such municipal court, a majority of the judges thereof shall submit the names of such jurors, and the qualifications and exemptions of jurors in the municipal court shall be the same as of jurors in the superior court as provided in said title, except that the persons so selected as jurors must be residents of the city or city and county in which such municipal court is situated; *and provided, further*, that whenever the judge or judges of any municipal court shall by order entered upon the minutes of the court, determine that the transaction of the business of such municipal court and the trial of causes therein does not require the selection of trial jurors in the manner herein specified, jurors in such municipal court shall be selected in the manner provided by law for the selection of jurors in courts not of record.

Criminal
jurisdiction.

SEC. 28. Each municipal court shall have original jurisdiction in all criminal cases amounting to misdemeanor, punishable by fine or imprisonment in the city or city and county, or county jail, or punishable by fine or such imprisonment where the offense charged was committed within the county in which the municipal court is established.

Civil
jurisdiction.

SEC. 29. Each municipal court shall have exclusive original jurisdiction of all cases at law in which the demand, exclusive of interest, or the value of the property in controversy, amounts to one thousand dollars or less, and of actions of forcible or unlawful entry or detainer where the rental value is one hundred dollars or less per month, and where the whole amount of damages claimed is one thousand dollars or less, and in cases to enforce and foreclose liens on personal property where the amount of such liens or the value of the property is one thousand dollars or less, arising within the city or city and county except that in a city or city and county where an inferior court exists with jurisdiction limited to demands not exceeding fifty dollars, the municipal court shall have concurrent jurisdiction of such demands. Each municipal court shall have concurrent original jurisdiction with the superior court or the justices' courts of all such cases arising within the county in which such court is situated except such territory as is within the exclusive jurisdiction of any other municipal court.

Constitutionality.

SEC. 30. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

CHAPTER 359.

An act to amend sections four, seven, ten and eleven of an act entitled "An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and disposition of license taxes, prescribing penalties for violation of the provisions of said act, and repealing all acts and parts of acts inconsistent herewith," approved May 30, 1923, and to add thereto a new section to be numbered eighteen, relating to delinquencies, penalties for delinquencies, and refunds in payment over assessment on gasoline, and making an appropriation for carrying out the provisions of this act.

[Approved by the Governor May 23, 1925.]

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

SECTION 1. Section four of an act entitled "An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and disposition of license taxes, prescribing penalties for violation of the provisions of said act, and repealing all acts and parts of acts inconsistent herewith," approved May 30, 1923, is hereby amended to read as follows:

Stats 1923,
p. 572,
amended.

Sec. 4. License taxes herein required to be paid shall be paid in quarterly installments to the state controller for the quarters ending December thirty-first, one thousand nine hundred twenty-three, and ending March thirty-first, June thirtieth, September thirtieth and December thirty-first in the year one thousand nine hundred twenty-four and each year thereafter. Said tax shall be a lien upon all the property of the distributor. It shall attach at the time of the delivery or distribution, subject to the tax, shall have the effect of an execution duly levied against all property of the distributor, and shall remain until the tax is paid or the property sold for the payment thereof. The amount of such license tax becoming due during each such quarter shall be paid within thirty-five days after the end of the quarter for which the same is due, and if not paid prior thereto shall become delinquent at five o'clock p.m. on the forty-fifth day after the end of such quarter, and ten per cent penalty shall be added thereto for delinquency.

Tax, when
due and when
delinquent.

SEC. 2. Section seven of said act approved May 30, 1923, is hereby amended to read as follows:

Stats. 1923,
p. 573,
amended.

Sec. 7. All motor vehicle fuel distributed by any distributor to any of its service stations, or other agencies, tank trucks, wagons, boats, barges, or other facilities operated by such distributor in this state shall for the purposes of this act be considered in the same manner and the same license tax shall be paid upon such motor vehicle fuel as though the same had been sold and delivered by such distributor; *provided*, that the amount of motor vehicle fuel distributed during

What con-
sidered to
be a sale of
motor vehicle
fuel.

any quarter to any such agency, tank truck, wagon, boat, barge, or other facility operated by the distributor is hereby defined to mean the amount thereof thereafter found to have been sold and delivered therefrom during such quarter plus one-ninety-ninth thereof but excluding therefrom deliveries to service stations operated by such distributor.

All motor vehicle fuel used by a distributor in the operation of any motor vehicle shall for all the purposes of this act be considered in the same manner and the same license tax shall be paid upon such motor vehicle fuel as though the same had been sold by such distributor; *provided, however*, that in lieu of the collection and refund of the tax upon such fuel used for exempt purposes a credit may be given such distributor upon his tax return and assessment.

Nothing in this act shall be construed as requiring the payment of the license tax herein specified upon more than one sale, distribution or transfer of the same motor vehicle fuel.

Stats. 1923,
p. 574,
amended.

Sales, etc.,
not to be
taxed.

SEC. 3. Section ten of said act approved May 30, 1923, is hereby amended to read as follows:

Sec. 10. The provisions of this act requiring the payment of license fees shall not be held or construed to apply to motor vehicle fuel imported into this state in interstate or foreign commerce and intended to be sold in the original and unbroken tank cars or other original receptacles, containers or packages and so sold while the same are in interstate or foreign commerce nor to any motor vehicle fuel exported or sold for exportation and exported for use outside this state, nor to any motor vehicle fuel sold to the government of the United States or any department thereof, but every distributor shall be required to report such exports and sales to the state board of equalization in such detail as that board shall require.

Stats. 1923,
p. 575,
amended.

Refund of
tax on
certain
sales.

SEC. 4. Section eleven of said act approved May 30, 1923, is hereby amended to read as follows:

Sec. 11. Any person, firm, association or corporation who shall buy and use any motor vehicle fuel for purposes other than in motor vehicles operated, or intended to be operated upon the public highways of the State of California or export the same for use outside of this state; also any person, firm, association or corporation who shall buy any motor vehicle fuel and use the same exclusively in the transportation of rural free delivery mails, and who shall have paid any license tax for such motor vehicle fuel hereby required to be paid, either directly or to the vendor from whom it was purchased, or indirectly by the adding of the amount of such tax to the price of such fuel, shall be reimbursed and repaid the amount of such tax paid by him or it upon presenting to the state controller an affidavit accompanied by the original invoices showing such purchase, which affidavit shall be verified by the oath of the claimant and shall state the total amount of such fuel so purchased and the same has been used by said consumer for the transportation of rural free delivery mails or for uses other than in motor vehicles operated upon any of

the public highways in the State of California. The said state controller, upon the presentation of such affidavits and such invoices or vouchers, shall cause to be paid to such consumer, from the license taxes collected in accordance with the provisions of this act, an amount equal to the license taxes collected hereunder on the motor vehicle fuel so purchased or so used. All such applications shall be filed with the state controller within twelve months from the date of the purchase of such motor vehicle fuel. Any application filed after such twelve months shall not be considered for any purpose by the state controller, the treasurer or the State of California. There is hereby appropriated out of said motor vehicle fuel fund a sum not to exceed twenty thousand dollars annually to be used by the state controller and a sum not to exceed ten thousand dollars annually to be used by the state board of equalization, both of such appropriations to be used for carrying out the provisions of this act.

Appropriations.

Sec. 5. Section fourteen of said act approved May 30, 1923, is hereby amended to read as follows:

Stats. 1923, p. 576, amended.

Sec. 14. Any person, firm, association or corporation or any officer or agent thereof failing to pay the tax as herein provided, or violating any of the other provisions of this act, or unlawfully making any false statement, or concealing any material fact in any record, report, affidavit or claim provided for herein, shall be guilty of a misdemeanor, unless such act is by any other law of this state declared to be a felony, and upon conviction thereof shall be punished by a fine of not less than five hundred dollars nor more than five thousand dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

Penalties.

The state board of equalization shall have power to revoke the license of any distributor refusing or neglecting to comply with the provisions of this act.

Sec. 6. A new section is hereby added to said act to be numbered eighteen and to read as follows:

Stats. 1923, p. 577, amended.

Sec. 18. All matters of procedure relating to refunds of taxes or the cancellation of any assessment levied under the provisions of this act shall be governed by the provision of section three thousand six hundred sixty-nine of the Political Code.

Procedure.

CHAPTER 360.

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

[Approved by the Governor May 23, 1925.]

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

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

628c. Every person who, by seine or other means, catches the young fish of any species and does not immediately return

Protection of young fish.

the same to the water alive, or who buys, sells, or offers for sale, or has in his possession, any of such fish, whether fresh or dried, or who takes, or catches, any fish for the sole purpose of taking the eggs or ova of such fish, or who catches, takes, kills, or carries away, any fish from any pond or reservoir belonging to, or controlled by, the state fish and game commission, or who takes, catches, or kills, any kind of fish, except salmon, in any manner, in any river or stream upon which a rack, trap, dam or other spawn-taking station is maintained, within one-half mile of the lower side of such rack, trap, dam or other spawn-taking station, or in any lake upon which a rack, trap, dam or other spawn-taking station is maintained, within one-half mile of such rack, trap, dam or other spawn-taking station, or who takes, catches, or kills any salmon in any manner, in any stream upon which a rack, trap, dam or other spawn-taking station is maintained, within three miles of the lower side of such rack, trap, dam or other spawn-taking station, during such time as said racks, traps, dams, or other spawn-taking stations may be in operation, or who, in fish and game district number fourteen, at any time takes, catches, or kills, any kind of fish is guilty of a misdemeanor. Nothing in this section, or elsewhere in this code, shall prohibit the fish and game commission, or persons authorized by such commission, from taking at all times such fish as they may deem necessary for scientific purposes or for purposes of propagation.

Fish near spawn-taking station.

In district fourteen.

For scientific purposes.

CHAPTER 361.

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

[Approved by the Governor May 23, 1925.]

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

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

636. 1. Every person who shall use or operate, or who shall assist in using or operating any net, trap, line or other appliance for the purpose of taking or catching fish, mollusks or crustaceans in the State of California at any time, or in any manner, except as otherwise provided in this chapter, is guilty of a misdemeanor.

2. It shall be lawful to use drift gill nets in fish and game districts five, six, seven, eight, nine, ten, eleven, twelve, twelve "B", thirteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty-two and in tidewater in Klamath river fish and game district, and to use set gill nets in fish and game districts seventeen, eighteen, nineteen and twenty "A"; *provided*, that in fish and game districts eleven, twelve, twelve "B" and thirteen the cork line of any gill net shall not be submerged more than twelve feet below the surface of the water, and that

Regulation of use of lines, nets and seines.

Gill nets.

the lines attaching the buoys or floats to the cork line of such submerged nets be not more than twelve feet in length and that the points of attachment of said lines on the cork line be not more than ten fathoms apart; *provided, further*, that in fish and game districts eleven, twelve, twelve "B" and thirteen the meshes of the gill nets shall be approximately the same size and shall not vary in length more than one inch; *provided, further*, that nets are not to be used at any time in fish and game districts seven "A" and twelve "A"; and any net found in any boat in said districts seven "A" and twelve "A" shall be prima facie evidence that the owner of said net was using same in said districts; *provided, further*, that gill or trammel nets are not to be used in fish and game district twelve "B" between September seventeenth and November fourteenth of any year, both dates inclusive, or between June sixteenth and July thirty-first of any year, both dates inclusive; *provided, further*, that any gill or trammel net found in any fishing boat in fish and game district twelve "B" during said closed seasons shall be prima facie evidence that the owner of such net was using same in said fish and game districts; *and provided, further*, that gill nets are not to be used or operated in fish and game district twelve between the first day of June and the thirty-first day of July of any year, both dates inclusive; and no gill nets shall be used or operated in fish and game district twelve between the sixteenth day of May and the thirty-first day of May of the same year, both dates inclusive, any of the meshes of which shall measure less than seven and one-half inches in length; *and provided, further*, that no gill nets are to be used or operated in fish and game district twelve between the first day of March and the fifteenth day of May of any year, both dates inclusive, the meshes of which measure between five and five-eighths inches and seven and one-half inches in length. Any line used on gill nets which shall tend to cause the webbing of such gill nets to bag or hang slack shall cause such net to lose its identity as a drift gill net and become a trammel net; *provided, further*, that any trammel net found in any boat at any time in fish and game district twelve shall be prima facie evidence that the owner of such net was using same in said fish and game district.

3. It shall be lawful to use trammel nets (also known as two-mesh and three-mesh nets) in fish and game district twelve "B", the minimum meshes of which shall measure not less than five and one-half inches in length; *provided*, that trammel nets or gill nets are not to be used in fish and game district twelve "B" between May sixteenth and June fifteenth, both dates inclusive, any of the meshes of which are, when drawn close together and measured inside the knots, less than seven and one-half inches in length.

4. It shall be lawful to use trammel nets (also known as two-mesh and three-mesh nets) in fish and game districts ten, eighteen and nineteen, the minimum meshes of which shall measure not less than eight inches in length.

Trammel
nets in dis-
trict 12
"B".

Trammel
nets in dis-
tricts 10,
18 and 19.

Purse nets
and round
haul nets.

5. It shall be lawful to use purse nets and round haul nets (also known as circle seines or lampara nets) in fish and game districts six, seven, eight, nine, ten, eleven, fifteen, sixteen, seventeen, eighteen, nineteen, twenty "A", twenty-one and twenty-two; *provided*, that purse or round haul nets are not to be used in any fish and game district for the purpose of taking salmon, steelhead, striped bass, barracuda or shad and that any person who has in possession any salmon, steelhead, striped bass, barracuda or shad which have been caught with a purse or round haul net is guilty of a misdemeanor; *and provided, further*, that any beach seine, purse or round haul net or any gill net of less than five and one-half inch mesh, except herring or smelt gill nets in fish and game districts twelve and thirteen of not to exceed two and one-half inch mesh, found in any fishing boat in fish and game districts twelve or twelve "B" and thirteen at any time shall be prima facie evidence that the owner or person in possession of such net or nets was using same in said fish and game districts; *and provided, further*, that every person who in fish and game districts one, two and three has in possession on any boat any gill or trammel net or has any gill, trammel, beach or round haul net in possession in fish and game district two and one-half is guilty of a misdemeanor; *and provided, further*, that in fish and game district fifteen, purse or round haul nets shall be used only for the purpose of taking fish for bait, and that in fish and game district sixteen purse nets or round haul nets shall be used only for the purpose of taking squids, anchovies and sardines.

Beach nets.

6. It shall be lawful to use beach nets (also known as beach seines or haul seines) in fish and game districts five, eight, nine, ten, eleven, eighteen, nineteen and twenty-two; *provided*, that in fish and game district five the meshes of any such beach nets shall measure not less than five and one-half inches in length and that in fish and game districts ten, eighteen and nineteen the meshes of the beach nets shall measure not less than one and one-half inches in length; and beach nets shall only be used in fish and game district nineteen between the first day of September and the thirty-first day of January of the year following, both dates inclusive, and for the purpose of taking smelt only.

Beach nets
defined.

7. For the purpose of this act, any net hauled from the water to the beach or shore for the purpose of taking fish, or any net adapted so to be used, shall be known as a beach net.

Fyke nets.

8. It shall be lawful to use fyke nets in fish and game district twelve "B" for the purpose of catching catfish, carp, pike, hardheads and suckers between the fifteenth day of August and the fourteenth day of May of the year following, both dates inclusive; *provided*, that the smallest meshes of any fyke net so used shall measure not less than two and one-half inches in length; *provided, further*, that nothing in this chapter shall be construed as prohibiting the sale of catfish caught in fish and game district twelve "B" between

the fifteenth day of August and the fourteenth day of May of the year following, both dates inclusive.

9. It shall be lawful to use trawl nets (also known as paranzella nets, beam trawls or shrimp trawls) in fish and game districts six, seven, twelve, thirteen and eighteen; *provided*, that the use of any trawl net in fish and game districts twelve and thirteen shall be for the purpose of taking shrimp only; *and provided, further*, that it shall be unlawful to use trawl nets in any bay in fish and game district number eighteen; *and provided, further*, that it shall be unlawful to have any trawl net, also known as drag net, in possession in fish and game districts four, nineteen, twenty, twenty "A" and twenty-one. Trawl nets.

10. It shall be lawful to use crab nets or crab traps in fish and game districts five, six, seven, eight, nine, ten, eleven, twelve, thirteen, seventeen, eighteen and nineteen, and lobster traps in fish and game districts seventeen, eighteen and nineteen. Crab nets.

11. It shall be lawful to use shrimp nets (also known as Chinese shrimp or bag nets) in fish and game district thirteen for the purpose of taking shrimp only. Shrimp nets.

12. It shall be lawful to use dip nets for the purpose of taking fish other than game fish to be used as bait only, in any fish and game district, except fish and game district fourteen; *provided*, that in fish and game district one, one and one-half, two, three and four, such dip nets shall not be baited; *and provided, further*, that any dip net in fish and game districts one, one and one-half, two, three, four, nineteen and twenty, shall not measure more than six feet in its greatest breadth; *and provided, further*, that it shall be unlawful for any person to have in his possession any nets other than such bait dip nets within fish and game district twenty. Dip nets.

13. It shall be lawful to use troll lines or hand lines in any fish and game district excepting fish and game district fourteen and to use trawl lines in fish and game districts six, seven, ten, seventeen, eighteen and nineteen. It shall also be lawful to use trawl lines (also known as set lines) in any lake in fish and game district two having a surface area of not less than seventy-five square miles, for the purpose of catching catfish only; *provided*, that it shall be unlawful to use minnows or any species of young fish on hooks attached to such trawl line. Troll lines or hand lines.

14. It shall be lawful to use any spade, shovel, hoe, rake or other appliance operated by hand for the purpose of taking mollusks in fish and game districts one and one-half, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fifteen, sixteen, seventeen, eighteen, nineteen and twenty-one. Spade, shovel, etc.

15. Any net or line shall be considered a set net or set line that is made fast to the bank or ground or that shall be made fast in any way and shall not be free to drift with the tide or current, and any net so placed that it will catch or impound fish within a bight, bay or estuary or against the shore, upon Set nets and set lines.

the receding of the tide shall be considered a set net; *provided*, that fyke nets, shrimp nets or crab nets shall not be considered set nets, nor trawl lines be considered set lines. The length of the meshes of any net shall be determined by taking at least four meshes and measuring them between the knots while they are simultaneously drawn closely together.

Recovery
of fish in
overflowed
areas.

16. Nothing in this section shall prevent the fish and game commission or any person authorized by them from using any net or other appliance in any fish and game districts for the purpose of recovering fish from overflowed areas or land-locked sloughs or ponds where they have been left isolated by receding streams or flood waters.

Scientific
purposes.

17. Nothing in this section shall prohibit the fish and game commission or any person authorized by them from using any net, traps or other appliances in the waters of the state as they may deem necessary for carrying on scientific investigation or for the propagation of fish, mollusks or crustaceans. Nothing in this section shall prohibit the fish and game commission or any person authorized by them from using nets, traps or other appliances in any fish and game district for experimental purposes.

Penalties.

18. Every person violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars or by imprisonment in the county jail in the county in which the conviction shall be had, not less than one hundred days nor more than six months or by both such fine and imprisonment; and all fines and forfeitures imposed and collected for any violation of any of the provisions of this section shall be paid into the state treasury, to the credit of the fish and game preservation fund.

CHAPTER 362.

An act to amend section six hundred twenty-six c of the Penal Code of the State of California, relating to the protection of fish and game.

[Approved by the Governor May 23, 1925.]

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

SECTION 1. Section six hundred twenty-six c of the Penal Code of the State of California, relating to the protection of fish and game, is hereby amended to read as follows:

Pheasants,
swan, quail,
partridge,
wild turkey
and Sierra
hare.

626c. Every person who takes, kills, or destroys, or has in his possession any swan, or any wild pheasants, or any bob-white quail, or any variety of imported quail or partridge, or wild turkey, or Sierra hare (*lepus campestris sierræ*) is guilty of a misdemeanor; *provided, however*, that a person may rear, propagate and have in possession pheasants and the increase thereof reared in captivity, or pheasants imported from a foreign country, and such artificially propagated or imported pheasants may be killed, sold, or disposed of at any

season of the year upon permission from the state board of fish and game commissioners; *and provided, further*, that a copy of such permit shall be attached to any pheasants or the package containing the same in plain view when the same shall be sold or disposed of as hereinabove provided; *and provided, further*, that in fish and game district four and one-half during the first seven days in the month of December of any year, not in excess of six pheasants may be taken and had in possession by any one person.

CHAPTER 363.

An act to amend section six hundred twenty-six e of the Penal Code of the State of California, relating to the protection of fish and game.

[Approved by the Governor May 23, 1925.]

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

SECTION 1. Section six hundred twenty-six e of the Penal Code, relating to the protection of fish and game, is hereby amended to read as follows:

626e. Every person who hunts, pursues, takes or destroys or has in his possession any female deer, spotted fawn or spike buck, antelope, or mountain sheep, or in fish and game district one and three-quarters any forked-horn mule deer is guilty of a misdemeanor.

Female deer, spotted fawn, etc.

Every person taking or killing any deer must retain in his possession during the open season and for ten days after the close of the open season the skin and portion of the head bearing the horns and must produce this upon the demand of any officer authorized to enforce the fish and game laws. Any person failing to comply with the provisions of this section is guilty of a misdemeanor.

Retention of skin and portion of head.

For the purpose of this act, any male deer with unbranched horns or antlers on both sides shall be considered a "spiked buck;" and any male deer with antlers of two branches on both sides shall be considered a "forked-horn."

"Spiked buck."

"Forked-horn."

CHAPTER 364.

An act to amend section one thousand three hundred eighty of the Code of Civil Procedure, relating to procedure in probate matters.

[Approved by the Governor May 23, 1925.]

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

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

1380. At any time after the issuance of letters testamentary or of administration upon the estate of any decedent, any person interested in said estate, including the state controller,

Request for special notice of proceedings.

whether as heir, devisee, legatee or creditor, or the attorney for any such person may serve upon the executor or administrator, or upon the attorney for the executor or administrator, and file with the clerk of the court wherein administration of such estate is pending, a written request, stating that he desires special notice of any or all of the following mentioned matters, steps or proceedings in the administration of said estate, to wit:

- (1) Filing of petitions for sales, leases or mortgages and confirmation of sales of any property of the estate;
- (2) Filing of accounts;
- (3) Filing of petitions for distribution;
- (4) Filing of petitions for partition of any property of the estate.

Such request shall state the post-office address of the person making same.

Giving
of notices.

And thereafter a brief notice of the filing of any of such petitions or accounts, except petitions for sale of perishable property or other personal property which will incur expense or loss by keeping, shall be addressed to such person making such request, or his attorney, at his stated post-office address, and deposited in the United States post office with the postage thereon prepaid, within two days after the filing of such petition or account; or personal service of such notices may be made on the person making such request or his attorney, within said two days, and such personal service shall be equivalent to such deposit in the post office, and proof of mailing or of personal service must be filed with the clerk before the hearing of such petition or account.

Finding
regarding
notices.

If upon the hearing it shall appear to the satisfaction of the court that said notice has been regularly given, the court shall so find in its order or judgment, and such judgment shall be final and conclusive upon all persons.

CHAPTER 365.

An act to amend section four hundred seventy-five of the Political Code, relating to clerks, phonographic reporter, service agent and stenographers of the attorney general's office by authorizing the appointment of two additional stenographers in such office; and making an appropriation to pay the salaries of such additional stenographers during the seventy-seventh and seventy-eighth fiscal years.

[Approved by the Governor May 23, 1925.]

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

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

Appointees
of attorney
general.

475. The attorney general may appoint four clerks, one phonographic reporter, one service agent, and thirteen stenographers for his office. The annual salary of each of said

clerks, the annual salary of the phonographic reporter, the annual salary of the service agent, and the annual salary of each of said stenographers shall be one thousand eight hundred dollars. Said salaries shall be paid at the same time and in the same manner as the salaries of other state officers are paid. The clerks, the phonographic reporter, the service agent and the stenographers shall be civil executive officers. The service agent, two clerks and four of said stenographers, to be designated by the attorney general, shall be exempt from the provisions of the state civil service act and shall hold their positions during the pleasure of the attorney general.

SEC. 2. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of seven thousand two hundred dollars, to be used for the payment of the salaries of the additional stenographers provided for by this act during the seventy-seventh and seventy-eighth fiscal years.

Special appropriation.

CHAPTER 366.

An act appropriating money for the purchase of additional land for the State Teachers College at Santa Barbara.

[Approved by the Governor May 23, 1925.]

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

SECTION 1. The sum of twelve thousand five hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used for the purpose of purchasing additional land for the State Teachers College located at Santa Barbara.

Appropriation: land for Santa Barbara State Teachers College.

CHAPTER 367.

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

[Approved by the Governor May 23, 1925.]

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

SECTION 1. Section nineteen x fourteen of the "juvenile court law," approved June 5, 1915, is hereby amended to read as follows:

Stats. 1921, p. 1107, amended.

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

Counties of 14th class: salaries of probation officers.

CHAPTER 368.

An act making an appropriation for the repair of the state armory at San Francisco.

[Approved by the Governor May 23, 1925.]

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

Appropriation repair of San Francisco armory.

SECTION 1. The sum of one hundred thousand dollars, or as much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the repair of the state armory at San Francisco.

CHAPTER 369.

An act authorizing and directing the California highway commission to acquire necessary rights of way, and to construct and maintain a highway, which is hereby declared to constitute and be a state highway, extending from Barstow, in the county of San Bernardino, to a point to be selected by the California highway commission on the boundary line between the State of California and the state of Nevada, near the town of Jean, Nevada, or at such other point thereon as may be selected by said California highway commission, which said highway is commonly known and referred to as the Arrowhead trail.

[Approved by the Governor May 23, 1925.]

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

Barstow-Jean state highway.

SECTION 1. The California highway commission is hereby authorized and directed to acquire necessary rights of way and to construct and maintain a highway, which shall constitute and be a state highway extending from Barstow, in the county of San Bernardino, to a point to be selected by the California highway commission on the boundary line between the State of California and the state of Nevada, near the town of Jean, Nevada, or at such other point thereon as may be selected by said California highway commission, which said highway is commonly known and referred to as the Arrowhead trail.

CHAPTER 370.

An act to amend sections one, five and seven of an act entitled "An act to provide for the formation, management and dissolution of county fire protection districts, and annexations thereto, setting forth the powers of such districts and providing for levying and collecting taxes on property in such districts to defray the expenses thereof," approved

May 23, 1923, relating to organization and management of fire protection districts.

[Approved by the Governor May 23, 1925.]

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 formation, management and dissolution of county fire protection districts, and annexations thereto, setting forth the powers of such districts and providing for levying and collecting taxes on property in such districts to defray the expenses thereof," approved May 23, 1923, is hereby amended to read as follows:

Stats. 1923,
p. 431,
amended.

Section 1. Any portion of a county composed of unincorporated territory and not included in any other fire protection district or timber land patrolled by the state board of forestry, or in accordance with the rules and regulations of said state board of forestry, may be formed into a county fire protection district in the manner and under the proceedings hereinafter set forth; *provided*, any city of the sixth class adjacent to said fire district may be embraced and included therein upon the adoption of an ordinance by the board of trustees of such sixth class city declaring and determining their intention and desire to be embraced and included within said district, and the filing of a certified copy of said ordinance with the secretary of state at Sacramento, from and after which said municipality shall be deemed a part of said district.

County fire
protection
districts
authorized.

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

Stats. 1923,
p. 432,
amended.

Sec. 5. The board of supervisors of any county wherein any county fire protection district is established shall be the governing body thereof and shall have power to make and enforce all rules and regulations necessary for the administration and government of such district and for the furnishing of fire protection thereto; to appoint agents and employees for such district sufficient to maintain and operate the property acquired for the purposes of the district and to police the district; to acquire real or personal property needful for the purposes of said district and to dispose of the same when no longer needed; to construct any needed structures; and to perform all other acts necessary or proper to accomplish the purposes of this act. Such board shall have authority to purchase fire hydrants and connect them with the mains of a water distributing company upon terms mutually agreed upon. The board of supervisors may, by resolution or order spread upon its minutes, appoint five commissioners as its agents to manage the affairs of said district and exercise any or all of the powers herein specified. In such case said commissioners shall elect one of their number president and another secretary, and hold stated meetings periodically and as often as the business of the district may require. Said commissioners shall hold office at the pleasure of said board and shall serve without compensation.

Powers and
duties of
supervisors.

Commis-
sioners.

Stats. 1923,
p. 433,
amended
Annual tax
levy.

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

Sec. 7. The board of supervisors shall levy a tax each year upon the taxable real property in each county fire protection district sufficient to defray the cost of maintenance thereof and to meet such other expenditures as are authorized by this act in connection therewith. Such tax shall be levied and collected at the same time and in the same manner as general county taxes levied for county purposes and when collected shall be paid into the county treasury and shall be used in furtherance of the purposes of this act with respect to the district within which collected and for no other purpose. In case the board of supervisors should appoint five commissioners to manage the affairs of the district as provided in section five hereof, said commissioners shall recommend the amount of tax to be levied, and certify the same by resolution to the board of supervisors not later than the first day of August of each year. The board of supervisors may also provide that demands on the funds of the district shall be made upon warrants issued by the county auditor upon requisition of said commissioners, signed by the president and attested by the secretary thereof; in which case, the treasurer of the county shall pay such warrants without further authority.

Disburse-
ment of
funds.

CHAPTER 371.

An act to amend section four thousand two hundred forty-two of the Political Code and to add a new section to the Political Code, to be numbered four thousand four hundred forty-two a, relating to the salaries, fees, and expenses of officers and grand and trial jurors in counties of the thirteenth class.

[Approved by the Governor May 23, 1925.]

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

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

4242. In counties of the thirteenth class, the county and township officers shall receive, as full compensation for the services required of them by law, or by virtue of their office the following salaries:

Counties of
13th class:
salaries and
fees of
officers.

Clerk.

1. The county clerk, five thousand 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 employes, who shall be appointed by the county clerk and shall be paid salaries as follows: One chief deputy at a salary of two hundred dollars per month; two court room deputies at a salary of one hundred eighty-five dollars each per month; one office deputy at a salary of one hundred sixty-five dollars per month; one stenographer at a salary of one hundred forty dollars per month; one copyist at a

salary of one hundred fifteen dollars per month; *provided, further*, that in any year when a general election is to be held or the compilation of a registration of voters is required by law or supplements to be made thereto, the county clerk shall receive as expenscs for compiling such registration of voters and making supplements thereto and work incidental to election, the sum of seven and one-half cents for each name registered or appearing on the great register for each general election, to be paid upon filing and presentation of duly verified claims therefor, by the county clerk with the board of supervisors of said county; *and provided, further*, that in any year when a registration of voters is required by law or supplements to be made thereto, the said county clerk may appoint such number of registration deputies as may be necessary for the registration of voters in their respective precincts, each of said deputies to receive the sum of ten cents per name for each elector registered by him; said registration deputies to be paid for their services on the presentation and filing with the board of supervisors of said county, a duly verified claim therefor on the general fund of said county, after proper allowance of said claim by said board of supervisors; the salary of the deputies, clerks and employees herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the county clerk is paid; *provided, further*, that the compensation for registration of electors and compilation of the registration of voters and supplements thereto as herein provided for, shall not be paid in monthly installments but shall be paid after proper allowance of verified claims therefor by the board of supervisors of said county.

2. The sheriff six thousand dollars per annum. All mileage ^{Sheriff.} for service of papers in civil actions arising either inside or outside of the county, excepting actions in which the county is interested. All fees for service of papers in civil actions. All expenses incurred in criminal cases and mileage in criminal cases, for each mile actually and necessarily traveled by automobile, twelve and one-half cents per mile. The sum of not less than thirty-seven and one-half cents per day each shall be allowed by the board of supervisors for feeding each prisoner committed to his custody; *provided*, that in counties of this class there shall be and there hereby is allowed to the sheriff the following deputies, clerks and employees, who shall be appointed by the sheriff, and shall be paid salaries as follows: One undersheriff at a salary of two hundred twenty-five dollars per month; one deputy sheriff at a salary of two hundred dollars per month; one deputy sheriff at a salary of one hundred eighty-five dollars per month; one deputy sheriff to act in criminal cases at a salary of one hundred eighty-five dollars per month; one deputy sheriff to act in criminal cases at a salary of one hundred sixty dollars per month; one deputy sheriff to act as day jailer at a salary of one hundred sixty dollars per month; one deputy sheriff to act as night jailer at

a salary of one hundred sixty dollars per month; two deputy sheriffs to act as bailiffs at a salary of one hundred sixty dollars each per month; one stenographer to the sheriff at a salary of one hundred forty dollars per month; one office stenographer to the sheriff at a salary of one hundred fifteen dollars per month; *provided*, that the sheriff may employ from one to five persons to act as deputy sheriffs at a salary of not to exceed five dollars per day each, when in the judgment of the sheriff such deputies are necessary; *provided, however*, that the total amount of the compensation for such additional deputies to be paid per diem shall not in any fiscal year exceed the total sum of one thousand five hundred dollars; *provided, further*, that the compensation of said last mentioned deputies shall be paid upon presentation of duly verified claims filed with the board of supervisors of the said county in the same manner that other claims are filed and paid. The salaries of the deputies, clerks and employes herein provided for shall be paid by the county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the sheriff is paid.

Recorder.

3. The recorder, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the recorder the following deputies, clerks and employes, who shall be appointed by the county recorder, and shall be paid salaries as follows: One chief deputy at a salary of two hundred dollars per month; one deputy at a salary of one hundred sixty-five dollars per month; two index clerks at a salary of one hundred fifteen dollars each per month; four copyists at a salary of one hundred fifteen dollars each per month; and one copyist, at such time as in the judgment of the county recorder is necessary, at a salary of one hundred fifteen dollars per month. The salaries of the deputies, clerks and employes herein provided for shall be paid by the county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the county recorder is paid.

Auditor.

4. The auditor, four thousand 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 employes who shall be appointed by the county auditor and who shall be paid salaries as follows: One deputy auditor at a salary of two hundred dollars per month; two clerks at a salary of one hundred fifteen dollars per month each; the salaries of the deputy and employes hereinabove provided for shall be paid by the county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the auditor is paid; *provided, further*, that the said auditor is hereby allowed such clerks and employes as he may deem necessary and appoint at a salary not to exceed five dollars per day each; *provided, however*, that the total amount of salary and compensation paid to such clerks and employes on a per diem basis shall not exceed the

total sum of nine hundred dollars per annum; *provided, further*, that such clerks and employees shall be paid for their services out of the same fund as the auditor is paid upon filing with the board of supervisors of said county their duly verified claims for the sums due them.

5. The treasurer, four thousand dollars per annum; *pro-* ^{Treasurer.}
vided, that in counties of this class there shall be and there is hereby allowed to the treasurer, one deputy treasurer who shall be appointed by the treasurer and who shall receive a salary of two hundred dollars per month, said salary to be paid in monthly installments at the same time and in the same manner and out of the same fund as the salary of the treasurer is paid; *provided, however*, that the bond of the treasurer and his deputy shall be executed with a reliable bonding and surety company and that the premiums on said bonds when the same have been duly approved, shall be a charge against the county and payable out of the general fund upon the presentation and filing of duly verified claims therefor with the board of supervisors.

6. The tax collector, four thousand dollars per annum; ^{Tax}
provided, that in counties of this class there shall be and there ^{collector.} 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 two hundred dollars per month; one deputy tax collector at a salary of one hundred sixty-five dollars per month; one clerk at a salary of one hundred thirty-five dollars per month; one stenographer to the tax collector at a salary of one hundred dollars per month; and such copyists as the tax collector may appoint at a salary of not to exceed three and one-half dollars per day each; *provided, however*, that the total amount of salary and compensation paid to such copyists shall not exceed the sum of three thousand dollars per annum; one index clerk to be paid at not to exceed one cent for each separate assessment appearing on the rolls each year; such copyists and index clerks to be paid for their services on the presentation and filing with the board of supervisors of said county their duly verified claims therefor. The salaries of the deputies, clerks and employees herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the tax collector is paid; *provided, however*, that the compensation of said copyists and said index clerk shall be paid on the presentation and filing of claims with the board of supervisors as hereinbefore provided.

7. The district attorney, six thousand dollars per annum; ^{Attorney.}
provided, that in counties of this class there shall be and there hereby is allowed to the district attorney the following deputies, clerks and employees, who shall be appointed by the district attorney, who shall hold office at the pleasure of the district attorney and shall be paid salaries as follows:

One deputy district attorney at a salary of three hundred dollars per month; two deputy district attorneys at a salary of two hundred twenty-five dollars per month each; and one stenographer to the district attorney at a salary of one hundred forty-five dollars per month; one stenographer at a salary of one hundred fifteen dollars per month. The salaries of the deputies, clerks and employees herein provided for shall be paid by the said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the district attorney is paid. The district attorney and his deputies shall be allowed twelve and one-half cents per mile without any constructive mileage for his expenses for traveling, necessarily done by automobile, and his actual traveling expenses when he travels by rail.

Supt. of
schools.

8. The superintendent of schools, five thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the superintendent of schools, one deputy superintendent of schools, who shall be appointed by the superintendent of schools, and shall be paid a salary of one hundred seventy-five dollars per month; one field deputy superintendent of schools, who shall be appointed by the superintendent of schools to assist the superintendent of schools in the discharge of his duty in visiting and examining schools, as provided by the state law, and it shall be the duty of said field deputy superintendent of schools to make written report of his examination, to be transmitted by the superintendent of schools to each trustee of all districts so examined; said field deputy shall receive a salary of two hundred fifty dollars per month, and his actual and necessary traveling expenses while engaged in performing the duties of his office under the direction of the superintendent of schools; one deputy superintendent of schools who shall be a registered nurse, to be appointed by the superintendent of schools, and who shall receive a salary of one hundred seventy-five dollars per month. The salary of the deputies provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of superintendent of schools is paid.

Assessor.

9. The assessor, six 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: Two deputy assessors at a salary of two hundred dollars per month each; one deputy assessor at one hundred sixty-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 sixty-five dollars per month each; one transfer deputy at a salary of one hundred twenty-five dollars per month; one stenographer at a salary of one hundred twenty-five dollars per month, and such additional deputy assessors at a salary not to exceed seven and one-half dollars per day each, and such additional

clerks at a salary not to exceed five dollars per day each as the assessor may appoint; *provided, however*, that the total compensation of said additional deputy assessors and clerks shall not exceed the sum of five thousand dollars per annum. The salaries of the deputies, clerks and employees herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the assessor is paid; *provided, however*, that the compensation of said additional deputy assessors at a salary not to exceed seven and one-half dollars per day each and said additional clerks at a salary not to exceed five dollars per day each, shall be paid on the presentation and filing of verified claims with the board of supervisors, as hereinbefore provided; *provided, however*, that in counties of this class the assessor shall receive no compensation or commission for collection of personal property taxes, nor shall such assessor receive any compensation or commission for making out the military roll of persons returned by him as subject to military duty as provided by section one thousand nine hundred one of the Political Code.

10. The coroner, such fees as are now or may hereafter be allowed by law; *provided, however*, that in counties of this class the coroner shall be allowed for general services in holding an inquest, the sum of twenty-five dollars, and there shall be and there hereby is allowed to the county coroner one stenographer to the coroner whose duty it shall be to act as reporter, and take down in shorthand and transcribe into long hand the testimony of the witnesses at all inquests. Said stenographer to the coroner shall be appointed by the coroner and be paid a salary of one hundred twenty-five dollars per month; which salary shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the county officers are paid. The county coroner is further allowed to rent an office for a sum not to exceed fifteen dollars per month, which rental shall be paid on the presentation and filing of duly verified claims therefor with the board of supervisors of said county. All subpoenas or processes issued by said coroner may be served by any peace officer and fees for such service shall be paid as provided by law. Coroner.

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

12. The surveyor, six thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the surveyor one deputy, who shall be appointed by the surveyor and hold office at his pleasure at a salary of two hundred fifty dollars per month. The salary of the deputy herein provided for shall be paid by the said county at the same time and in the same manner and out of the same fund as the salary of the surveyor is paid. In addition to the deputy herein provided for the surveyor shall be allowed the following engineers and employees; one engineer at eight and Surveyor.

one-half dollars per day; two field engineers at eight and one-half dollars per day each; one draughtsman at seven and one-half dollars per day; four chainmen at five and one-half dollars per day each. *Provided, however,* that the total compensation for said engineers and employees shall not exceed the sum of twelve thousand nine hundred dollars per year; *and provided, further,* that the compensation of said engineers and employees shall be paid by the county on the presentation and filing of claims therefor with the board of supervisors as hereinbefore provided, said payment to be made from the same fund as the salary of the surveyor is paid.

Population
of town-
ships.

13. 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, 1926, and in the month of July every four years thereafter.

Justices of
the peace.

14. Justices of the peace shall receive the following monthly salaries to be paid each month as the salaries of county officers are paid which shall be in full for all services rendered by them in criminal cases: (1) In townships having a population of ten thousand and one, or more, two hundred dollars per month; (2) in townships having a population of from seven thousand and one, or more, to ten thousand, inclusive, one hundred seventy-five dollars per month; (3) in townships having a population of from four thousand and one to seven thousand, inclusive, one hundred fifty dollars per month; (4) in townships having a population of three thousand and one to four thousand, inclusive, one hundred twenty-five dollars per month; (5) in townships having a population of two thousand five hundred or more and less than three thousand, fifty dollars a month; (6) in townships having a population of two thousand or more, and less than two thousand five hundred, forty-five dollars a month; (7) in townships having a population of one thousand two hundred or more, and less than two thousand, forty dollars a month; (8) in townships having a population of one thousand or more and less than one thousand two hundred, twenty dollars a month; (9) in townships having a population of four hundred fifty or more, and less than one thousand, fifteen dollars a month; (10) in townships having a population of less than four hundred fifty, five dollars per month. Each justice must pay into the county once a month all fines and fees collected by him in criminal and civil cases, and the auditor must withhold warrants for salary until a certified statement has been filed with him of all criminal and civil cases tried or filed and fines and fees collected and paid into the county treasury. In addition to the monthly salary herein, each justice may receive as expenses for maintaining his office such sum as may be necessary, not to exceed twenty per cent of the amount allowed him as salary.

Constables.

15. 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 fifty dollars a month; (2) in townships having a population of two thousand five hundred or more, and less than three thousand, eighty dollars a month; (3) in townships having a population of two thousand or more and less than two thousand five hundred, seventy-seven and one-half dollars a month; (4) in townships having a population of one thousand two hundred or more, and less than two thousand, seventy-five dollars a month; (5) in townships having a population of one thousand or more, and less than one thousand two hundred, thirty-five dollars a month; (6) in townships having a population of four hundred fifty or more, and less than one thousand, twenty-five dollars a month; (7) in townships having a population of less than four hundred fifty, five dollars a month; *provided, further*, that in addition to the salary herein allowed each constable shall be paid out of the treasury of the county for traveling expenses outside of his own township, for services of warrant of arrest or any other paper in a criminal case, such fees as are now or may be hereafter allowed by law. For serving a coroner's subpoena the same fees and mileage as are now or may hereafter be allowed by law for the service of a subpoena issued out of a justice's court. For summoning a coroner's jury the same fees as are now or may be hereafter allowed for summoning a jury in a civil action in the justice's court. For transporting prisoners to the county jail, the expenses of such transportation. In addition to the monthly salary allowed him herein, each constable may receive for his own use in civil cases the fees allowed by law. In addition to the monthly salary allowed herein, each constable in townships having a population of three thousand five hundred or more may receive as expenses for maintaining his office each month a sum not to exceed twenty-five per cent of the amount allowed him as salary.

16. Each member of the board of supervisors two thousand Supervisors.
four hundred dollars per annum for personal services performed by him as supervisor, member of the board of equalization and road commissioner. Each supervisor shall also receive as expenses, as supervisor and road commissioner, not to exceed twenty cents per mile each way traveling to and from his residence while engaged in the performance of the duties of supervision of public roads as commissioner, or other business of the county, said expenses not to exceed fifty dollars in any one month.

17. The bonds of county officers, their assistants, deputies and employees such as required by law to be furnished when executed with a reliable bond and surety company, the cost of said bond when duly approved, shall be a charge against the county payable out of the general fund. Official bonds.

18. The traffic officer, one hundred seventy-five dollars per month; *provided*, that in counties of this class there shall be and there hereby is allowed to the traffic officer the following deputies, which offices are hereby created, who shall be Traffic officer.

appointed by the traffic officer and be paid salaries as follows: Six deputy traffic officers at a salary of one hundred sixty-five dollars per month each. The salaries of the deputies herein provided for shall be paid by the county monthly at the same time and in the same manner and out of the same fund as the salary of the traffic officer is paid; *provided*, that all the provisions of this subsection are to apply to the office of the county traffic officer whenever said office of county traffic officer is created by law.

Expenses

19. Actual, reasonable and necessary expenses shall be allowed all the officers of the county in the discharge of their official duties. Detail expense accounts must be rendered on the first day of each month for the expenses incurred within the previous month. For traveling necessarily done by automobile, an officer shall be allowed mileage at the rate of twelve and one-half cents per mile without any constructive mileage except as herein otherwise provided.

Employees
necessary.

20. *Provided*, that all deputies, assistants and employees herein provided for in addition to the deputies, assistants and employees provided for by any effective law on the fourth day of November, 1924, are hereby declared to be necessary and proper deputies, assistants and employees to be allowed to the principal in each county office herein mentioned during his term of office.

SEC. 2. A new section is hereby added to the Political Code, to be numbered four thousand four hundred forty-two *a*, and to read as follows:

Jurors.

4242a. The fees of grand jurors and of trial jurors in counties of the thirteenth class, shall be three dollars per day and mileage for each attendance at the rate of seven cents for each mile actually traveled.

CHAPTER 372.

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

[Approved by the Governor May 23, 1925.]

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

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

Protection
of ducks,
geese, mud-
hens, rail,
wood ducks,
wild pigeon,
shore birds,
crane, quail,
rabbits,
grouse,
doves, and
sage hens.

626. Every person who between the sixteenth day of January and the thirtieth day of September, both dates inclusive, of any year, hunts, pursues, takes, kills or destroys or has in his possession any kind of wild duck, or goose, or brant or mudhen or gallinule, or Wilson snipe; or who, at any time hunts, pursues, takes, kills or destroys or has in his possession any rail, or wood duck or wild pigeon or any shore bird, except Wilson snipe, or any sandhill crane, whooping crane or little brown crane; or who, between the first day of January and the thirtieth day of November, of any year, both dates inclu-

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

CHAPTER 373.

An act to amend section six hundred twenty-three of the Political Code, relating to bonds required to be filed by insurance companies operating in this state.

[Approved by the Governor May 23, 1925.]

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

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

623. The commissioner must require every company now transacting, or proposing to transact, insurance business in this state, before commencing such business to file in his office a bond in favor of the people of the State of California, to be signed by the company as principal, with two sureties, to be approved by the commissioner, in the penal sum of twenty thousand dollars, the condition of such bond to be as follows: (1) That the company and its agents will pay all state, county, and municipal property and license taxes, in the manner and at the time prescribed by law; (2) that the company

Bond to guarantee payment of taxes, etc., and compliance with laws.

Deposit in
lieu
of bond.

named therein will conform to all the provisions of the revenue and other laws made to govern them; (3) and that the company will promptly pay all fees, assessments, taxes, penalties and fines that may be laid upon or against such company. Such bond may be sued on in the same manner and shall be subject to the same rules governing official bonds, except that such bonds may be made applicable alike to the first and all subsequent license periods for which renewals of certificates of authority are issued. Any insurance company may deposit with the insurance commissioner, in lieu of such bond, securities of the kind and character set forth in section four hundred twenty-one of the Civil Code of the State of California, in the sum of twenty thousand dollars, which shall be held in trust by the insurance commissioner for the fulfillment of the terms and conditions above set forth. Such securities may be withdrawn at any time and new securities of equal value deposited in lieu thereof, and may be withdrawn whenever a bond is filed as provided in this section. Nothing in this act shall be construed to apply to, refer to or affect county mutual fire insurance companies or reciprocal or interinsurance exchanges.

CHAPTER 374.

An act to amend section four thousand two hundred fifty of the Political Code, relating to salaries, fees and expenses of officers in counties of the twenty-first class.

[Approved by the Governor May 23, 1925.]

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

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

Counties of
21st class:
salaries and
fees of
officers.

4250. In counties of the twenty-first class, the county and township officers shall receive as full compensation for the services required of them by law, or by virtue of their office, the following salaries and fees to wit:

Clerk.

1. The county clerk, three thousand five hundred dollars per annum, and such fees as are now, or may be hereafter allowed by law, and in any year when a new great register of voters is required by law, he shall receive, in addition thereto, ten cents per name for each person registered. He may appoint one deputy who shall receive a salary of two thousand four hundred dollars per annum; one deputy who shall receive a salary of one thousand nine hundred eighty dollars per annum; four deputies who shall each receive a salary of one thousand five hundred dollars per annum; a copyist at a salary of one thousand two hundred dollars per annum; and during any year when an official primary election is held in the county, he may appoint two additional deputies, to serve for a period of four months only, at a monthly salary of seventy-five dollars. The deputies, clerks and stenographer herein provided for shall be paid by the

county at the same time and in the same manner and out of the same fund as the county clerk is paid. In any year when a new registration of voters is required by law, he may appoint such number of deputies as may be necessary for the convenient registration of voters in their respective precincts, such deputyships and offices being hereby created. Each of said deputies shall be paid by the county the sum of ten cents per name for each elector registered by him. Said compensation to be paid out of the general fund of the county, on the presentation and filing with the board of supervisors of the county, of a duly verified claim therefor, approved by the county clerk. On and after January 6, 1919, all fees, commissions and perquisites from whatever source received and collected by the county clerk, except the said sum of ten cents per name received by him for each person registered, shall be paid into the county treasury, and shall belong to the county.

2. The sheriff, four thousand five hundred dollars per annum; *provided*, there shall be and there hereby is allowed to the sheriff the following deputies, which offices are hereby created, who shall be appointed by the sheriff, and shall be paid salaries as follows: One chief deputy at a salary of two hundred dollars per month, one deputy at a salary of one hundred seventy-five dollars per month, one deputy to act as jailer at a salary of one hundred seventy-five dollars per month, one deputy at a salary of one hundred fifty dollars per month. The salaries of the deputies and employees herein provided for shall be paid by the county in monthly installments at the same time and in the same manner and out of the same funds as the salary of the sheriff is paid. In criminal cases, and actions in which the county is interested, the sheriff shall receive only actual expenses incurred and no more. All claims against the county shall be itemized and sworn to by the sheriff or chief deputy, and filed with the board of supervisors monthly before the tenth day of each month. Expense accounts to be sworn to and filed as separate claims. A monthly statement of all fees collected from whatever source derived, duly subscribed and sworn to by the sheriff or chief deputy shall be filed with the county treasurer on or before the tenth day of each month. The board of supervisors may allow the sheriff a sum not to exceed thirty-seven and one-half cents per day for feeding each prisoner committed to his custody. Prisoners shall be fed three meals each day. The changes in this subdivision made shall apply to the incumbent and shall be in lieu of all fees, commissions, and mileage.

3. The recorder, three thousand five hundred dollars per annum; and said recorder may appoint three deputy recorders, one of whom shall receive a salary of two thousand one hundred dollars per annum, and one who shall receive a salary of one thousand eight hundred dollars per annum, and one who shall receive a salary of one thousand two hundred dollars per annum. He may appoint such copyists as may be required for the recording of all papers, notices or docu-

ments in his office, except maps or plats, who shall receive for their services the sum of six cents per folio; and for copies of any paper or record six cents per folio. The salaries and compensation of all deputies and copyists herein provided for shall be paid by the county in monthly installments out of the same fund as the recorder is paid. All fees, commissions and perquisites collected by the recorder, from whatever source received, shall be paid into the county treasury. The recorder shall file monthly, on or before the tenth day of each month, with the county auditor, a verified statement showing in detail the fees received by him, and the amounts paid to copyists or other employees in his office, and the names of the persons to whom the same were paid.

Auditor.

4. The auditor, three thousand five hundred dollars per annum. He may appoint two deputies, one of whom shall receive a salary of two thousand four hundred dollars per annum; and one who shall receive a salary of one thousand eight hundred dollars per annum; and one clerk at a salary of one hundred dollars per month; and six copyists for one month each year, at a salary of one hundred dollars per month each. The deputies, clerk and copyists herein provided for, shall be paid by the county in monthly installments in the same manner and out of the same funds as the auditor is paid.

Treasurer.

5. The treasurer, three thousand five hundred dollars per annum. He may appoint one deputy, which office is hereby created, at a salary of one thousand eight hundred dollars per annum. The salary of said deputy shall be paid by the county at the same time and in the same manner and out of the same funds as the treasurer is paid.

Tax collector.

6. The tax collector, three thousand five hundred dollars per annum. He may appoint one deputy, which office is hereby created, at a salary of two thousand one hundred dollars per annum; also, one stenographer at a salary of one thousand five hundred dollars per annum; and such additional clerks and copyists as the tax collector may appoint at a salary not to exceed six dollars per day each; *provided, however*, that the total amount of salary and compensation paid to such additional clerks and copyists, who receive a per diem shall not exceed the sum of five thousand dollars per annum. The tax collector is hereby declared to be the ex officio license collector at a salary of five hundred dollars per annum, and is to be allowed the actual and necessary expenses incurred by him in the performance of his official duties.

The salary and compensation of each of said deputies, stenographers, clerks and copyists shall be paid out of the county treasury, in equal monthly installments, at the same time and in the same manner as other county officials are paid.

Assessor.

7. The assessor, four thousand dollars per annum. In counties of this class there shall be and there hereby is allowed to the assessor the following clerks, deputies and employees, who shall be paid salaries as follows: One chief deputy assessor

at a salary of two thousand one hundred dollars per annum; one deputy assessor at a salary of one hundred fifty dollars per month; and such additional field deputy assessors and clerks as the assessor may appoint at a salary not to exceed seven dollars per day each; *provided, however*, that the total amount of salary and compensation paid to such additional deputies and clerks who receive a per diem shall not exceed the sum of five thousand dollars per annum.

The salaries of all deputies, clerks and employees shall be paid by the county, at the same time and in the same manner and out of the same fund as the salary of the assessor is paid. The assessor shall receive no compensation or commissions for the collection of personal property taxes, or compiling the military roll, and all commissions, perquisites and fees from whatever source received, collected by him, shall be paid into the county treasury, and shall belong to the county. The changes herein made are intended to place the office of the assessor on a fixed salary basis, in lieu of the assessor's present compensation, fees and commissions allowed him by law, and shall apply to the incumbent.

8. The district attorney, three thousand five hundred dollars per annum; and said district attorney may appoint a stenographer, which office is hereby created, who shall receive a salary of one hundred twenty-five dollars per month; and one deputy district attorney, which office is hereby created, who shall receive a salary of two thousand four hundred dollars per annum. Said stenographer and deputy shall be paid by the county at the same time and in the same manner and out of the same fund as the district attorney is paid. The district attorney shall be allowed, in addition to the monthly salary herein allowed, the sum of sixty dollars per month, which shall be in full for all his traveling and other personal expenses in criminal cases and civil actions in which the county is interested, as provided for in subdivision two of section four thousand three hundred seven of the Political Code. Attorney.

8a. The county librarian, two thousand four hundred dollars per annum, payable at the same time and in the same manner and out of the same fund as the salaries of other county officers; *provided*, that there shall be and there hereby is allowed to the county librarian one deputy whose salary shall be one thousand five hundred dollars per annum and one deputy whose salary shall be one thousand three hundred twenty dollars per annum, and the board of supervisors may appoint all other necessary employees for the county library as provided by law. The county librarian shall also be allowed actual and necessary traveling expenses. Librarian.

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

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

11. The superintendent of schools, three thousand five hundred dollars per annum, and said superintendent of schools Supt. of schools.

may appoint a clerk, which office is hereby created, who shall receive a salary of one hundred forty dollars per month. Said clerk shall be paid by the county at the same time and in the same manner and out of the same fund as the superintendent of schools is paid. In counties of this class the superintendent of schools shall receive the sum of fifty dollars per month for traveling and other expenses in visiting and examining schools and school properties of the county and in performing such other duties as are incident to the full discharge of the requirements of the office of superintendent of schools.

Surveyor.

12. The surveyor, three thousand five hundred 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 two thousand four hundred dollars per annum, and one stenographer whose salary is hereby fixed at the sum of one thousand two hundred dollars per annum.

All work which the county surveyor is directed or charged to perform or cause to be performed by law or by order of the board of supervisors, shall be performed or caused to be performed by the county surveyor at actual cost; *provided, however*, that on all such work other than work for the assessor hereinafter provided for, transit men, draftsmen and inspectors that are actually engaged on such county work shall receive a per diem of not to exceed ten dollars, and chainmen and rodmen that are actually engaged in such work shall receive a per diem of not to exceed six dollars; *further*, that the county 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. Whenever the county surveyor is directed by the board of supervisors or assessor to plat, trace, or otherwise prepare maps, plats or block books for the use of the county assessor or said board, he shall be allowed only the actual cost of preparing the same.

The said county surveyor shall render to the auditor of said county a sworn statement, showing therein the kind and nature of work performed, the dates, amounts paid to assistants and paid for expenses.

The deputy and all other persons herein provided for shall be appointed by the county surveyor, and their salaries shall be paid by said county, in equal monthly installments, at the same time, and in the same manner and out of the same fund as are the salaries of county officers of this class.

Justices of the peace.

13. Justices of the peace shall receive the following monthly salaries, to be paid each month as salaries of the county officers are paid, which shall be in full for all services rendered by them, and of all fees. In townships having a population of three thousand five hundred or more, one hundred fifty dollars per month; in townships having a population of not less than one thousand five hundred and not more than three thousand five hundred, ninety-five dollars per month; in all

townships having a population less than one thousand five hundred, seventy-five dollars per month. All fees collected by justices of the peace shall be paid into the county treasury, and shall belong to the county. The provisions of this subdivision shall apply to the incumbents.

14. Constables shall receive the following monthly salaries, Constables. to be paid each month as salaries of the county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of three thousand five hundred or more, one hundred sixty-five dollars per month; in townships having a population of not less than one thousand five hundred nor more than three thousand five hundred, one hundred thirty dollars per month; in all townships having a population of less than one thousand five hundred, ninety dollars per month. In addition to the monthly salary allowed herein, each constable may collect and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed by him in civil actions; and he shall also be allowed his actual and necessary expenses incurred in executing any warrant outside of his county issued by a magistrate or justice of his county. Constables shall also be allowed all necessary expenses actually incurred in arresting and conveying prisoners to the county jail, which said expenses shall be audited and allowed by the board of supervisors, and paid out of the county treasury.

15. Each member of the board of education shall receive five Board of
education. dollars per day as compensation for his services when in actual attendance upon said board, and mileage at the rate of twenty-five cents per mile one way only, from his residence to the place of meeting of said board. The secretary of said board of education shall receive five dollars per day for his services for the actual time that the board may be in session. Said compensation of the members of said board, and of said secretary, shall be paid out of the same fund as the salary of the superintendent of schools is paid. Claims for such services and mileage shall be presented to the board of supervisors, and shall be allowed at the rate above named, in the same manner as other claims against the county are allowed. The 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 seventy of this code.

16. Each supervisor, one thousand five hundred dollars per Supervisors. annum, and twenty cents per mile for traveling from his residence to the county seat; *provided*, that when a supervisor is also road commissioner he shall receive in addition to the twenty cents per mile allowed to him by law as such road commissioner his actual traveling expenses, and additional expenses not in any one year to exceed the sum of three hundred dollars. The changes as to salary made in this subdivision shall apply to incumbents.

17. Whenever it has been determined by the board of super- Highway
engineers,
etc. visors or by vote of the people to build, construct or repair

any public road, bridge or building in the county, the board of supervisors may thereupon employ such expert mechanics, draughtsman, engineers and inspectors as the board deems necessary to render skilled or technical services in connection with and for the purposes of such work, and shall define their duties and fix their compensation. At any time deemed necessary, the board of supervisors shall have power to employ road masters who shall patrol the highways of the county as directed by the board and who shall have and exercise the powers of peace officers. The compensation of such employes shall be designated by the board, upon claims presented to and approved by said board.

Traffic
officer.

18. The county traffic officer, two thousand one hundred dollars per annum, payable at the same time and in the same manner and out of the same fund as salaries of other county officers are paid: *provided*, that there shall be and there is hereby allowed to the county traffic officer six deputies, which offices are hereby created. Said deputies shall be appointed by said traffic officer and shall each receive a salary of one thousand eight hundred dollars per annum; the salaries of such deputies shall be paid at the same time and in the same manner as the salaries of county officers are paid. The board of supervisors shall provide motorcycles or other vehicles and gasoline and oil for the purpose of propelling the same, for such traffic officers and shall pay all of the expense of the upkeep of said machines. All of the provisions of this paragraph are to apply to the office of county traffic officer and his deputies whenever said office of county traffic officer is created by law.

Justices of
the peace.

19. In townships having a population of three thousand five hundred or more, justices of the peace shall be allowed for their office rent, and expenses, the sum of sixty dollars each per month, in addition to the monthly salaries herein allowed. In townships having a population of less than three thousand five hundred, justices of the peace shall be allowed for their office rent, and expenses the sum of forty dollars each per month in addition to the monthly salaries herein allowed. Each justice of the peace must pay into the county treasury monthly, all fees and fines collected by him; and he must keep a book open for the inspection of the public, during office hours, in which must be entered at once and in detail the amount of all fees and fines collected by him. The auditor must withhold warrants for salary and office rent until a sworn statement has been filed with him, of all cases tried, and fees and fines collected; and the same are paid into the county treasury. No justice of the peace shall draw or receive any monthly salary unless he shall make and subscribe an affidavit before an officer entitled to administer oaths, that no cause in his court remains pending and undecided, that has been submitted to him for decision for a period of thirty days; said affidavit to be filed with the auditor of the county.

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

21. In counties of this class there shall be appointed by ^{Jail matron} the sheriff a suitable woman as jail matron, who shall have care of female prisoners confined in the county jail. She shall be paid a salary of seventy-five dollars per month, to be paid by the county in monthly installments at the same time, in the same manner, and out of the same fund that the salary of the sheriff is paid.

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

CHAPTER 375.

An act declaring the county road in Calaveras county, extending from Angels Camp through Vallecita and Murphy to Calaveras Big Trees in the national forest to be a state highway.

[Approved by the Governor May 23, 1925.]

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

SECTION 1. That certain county road in Calaveras county commencing at a point where such highway connects with the Mother Lode state highway at Angels Camp, extending through Vallecita and Murphy and connecting with the Alpine state highway at Calaveras Big Trees in the national forest, is hereby declared to be a state highway and placed under the supervision and control of the state highway commission. ^{Angels Camp-Calaveras Big Trees state highway.}

CHAPTER 376.

An act to amend section four thousand two hundred seventy-seven of the Political Code, relating to salaries and fees of officials in counties of the forty-eighth class.

[Approved by the Governor May 23, 1925.]

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

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

4277. In counties of the forty-eighth class, the county officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following ^{Counties of 48th class: salaries and fees of officers.}

Clerk. salaries and fees, to wit: 1. The county clerk, one thousand five hundred dollars per annum and such fees for services in naturalization proceedings as by act of congress, in such case made and provided it is said he may retain; and also such other fees as he may be allowed by the law of this state to retain; *and provided*, that in each year when a new registration is required he shall receive in addition to his salary the sum of ten cents for each elector registered, which amount shall be allowed by the board of supervisors at the close of registration preceding a general election, and paid from the general fund of the county; *and provided, further*, that in counties of this class there shall be and is hereby allowed to the county clerk one deputy, which office is hereby created, who shall receive a salary of one hundred fifty dollars per month, and one copyist, which office is hereby created, who shall receive a salary of ninety dollars per month, who shall be appointed by the county clerk, 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. The changes effected by this subdivision shall apply to the incumbents.

Sheriff. 2. The sheriff, four thousand two hundred dollars per annum, and mileage for the services of papers or process served by him in all civil cases from any court, also necessary expenses for pursuing criminals or transacting any business of the county or state relating to crimes.

Recorder. 3. The recorder, one thousand eight hundred dollars per annum, and all fees and commissions allowed by law to the registrar for preparing vital statistics for the State of California and also the sum of twenty-five dollars per annum for preparing the abstract of mortgages for use of the county assessor as required by law; *provided*, that in counties of this class there shall be, and is hereby allowed to the recorder a deputy to be appointed by him and who shall receive a salary of one thousand two hundred dollars per annum, said salary to be paid by said county in equal installments at the same time and in the same manner as the salary of the recorder is paid.

Auditor. 4. The auditor, nine hundred dollars per annum and five per cent of all amounts found to have been paid out by the county for state aid as per his report as contemplated by section four thousand ninety-nine *a* of the Political Code of this state or other law providing for such compensation.

Treasurer. 5. The treasurer, one thousand eight hundred dollars per annum; and such fees and commissions as now are, or hereafter may be allowed by law.

Tax collector. 6. Tax collector, five hundred dollars per annum and such fees as now are or hereafter may be allowed by law.

Assessor. 7. The assessor, three thousand five hundred dollars per annum and such fees as now are or hereafter may be allowed by law.

8. The district attorney, one thousand eight hundred dollars per annum; *and provided further*, that in counties of this class there shall be and hereby is allowed to the district attorney one deputy, to be appointed by him, who shall receive a salary of six hundred dollars per annum, said salary to be paid by said county, in equal installments at the same time and in the same manner as the salary of the district attorney is paid. Attorney.

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

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

11. The superintendent of schools, one thousand eight hundred dollars per annum, and actual traveling expenses when visiting the schools of his county 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. Supt. of schools.

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

13. For the purpose of regulating the compensation of justices of the peace, the townships of counties of this class are hereby classified according to population, as follows: Classification of townships.

Townships having a population of two thousand five hundred or more belong to and be known as townships of the first class; townships having a population of one thousand two hundred and less than two thousand five hundred shall belong to and be known as townships of the second class; townships having a population of less than one thousand two hundred shall belong to and be known as townships of the third class.

For the purpose of this section, the population of the several judicial townships shall be ascertained by the board of supervisors by multiplying by three the number of registered voters in each township at the last general election.

14. Justices of the peace shall receive the following salaries: Justices of the peace.
In townships of the first class, the sum of nine hundred dollars per annum.

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

15. Constables, such fees as are now or may hereafter be allowed by law. Constables.

16. Each member of the board of supervisors, nine hundred dollars per annum and twenty cents per mile for traveling from his residence to the county seat, also his actual necessary expenses while acting as ex officio road overseer or commissioner not to exceed three hundred dollars in any one year. Supervisors.

17. Each member of the board of education shall receive five dollars per day as compensation for his services while in actual attendance upon said board, and mileage at the rate of twenty cents a mile one way only, from his residence to Board of education.

the place of meeting of said board. Said compensation of the members of said board shall be paid out of the same fund as the salary of the superintendent of schools is paid. Claims for such service and mileage shall be presented to the board of supervisors and shall be allowed at the rate above named in the same manner as other claims against the county are allowed. The compensation of the members of the county board of education herein provided for is not in addition to that provided in section one thousand seven hundred seventy of this code.

Jurors and
witnesses.

18. In the superior court, jurors' fees, and witnesses' fees in criminal cases shall be allowed as follows:

For attending as a grand juror, for each day's attendance, three dollars, and fifteen cents per mile for each mile actually traveled in going only, and the judge of said court shall make an order directing the auditor to draw his warrant in favor of such juror for said per diem and mileage and the treasurer shall pay the same.

For attending as a trial juror in criminal cases, for each day's actual attendance, three dollars, and fifteen cents per mile for each mile actually traveled in going only, and the judge of said court shall make an order directing the auditor to draw his warrant in favor of such juror for said per diem and mileage and the treasurer shall pay the same.

For attendance as a witness in criminal cases, for each day's attendance, the sum of two dollars, and fifteen cents per mile for each mile actually traveled in going only, and the judge of said court shall make an order directing the auditor to draw his warrant in favor of such witness for said per diem and mileage, and the treasurer shall pay the same; *provided, however*, that in criminal cases such per diem and mileage shall only be allowed upon a showing to the court by the witness, that the same are a necessary expense of the witness in attending, and the court shall determine the necessity for the same, and may disallow any fees to a witness unnecessarily subpoenaed.

CHAPTER 377.

An act to add a new section to the Political Code, to be numbered seven hundred thirty-seven a, relating to the salary of the superior judge of the county of Alpine.

[Approved by the Governor May 23, 1925.]

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

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

Superior
judge of
Alpine
county.

737a. The annual salary of the judge of the superior court in the county of Alpine is three thousand dollars, one-half of which shall be paid by the state and the other half thereof by the county.

CHAPTER 378.

An act to add a new section to the Political Code, to be numbered seven hundred thirty-seven ab, relating to the salary of the superior judge of the county of Merced.

[Approved by the Governor May 23, 1925.]

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

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

737ab. The annual salary of the judge of the superior court of the county of Merced is five thousand dollars, one-half of which shall be paid by the state and the other half thereof by the county. Superior
judge of
Merced
county.

CHAPTER 379.

An act to amend section four thousand two hundred fifty-four of the Political Code, relating to the salaries, fees and expenses of officers in counties of the twenty-fifth class.

[Approved by the Governor May 23, 1925.]

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

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

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, fees of officers. Counties of
25th class:
salaries and
fees of
officers.

1. The county clerk, three thousand 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 two hundred dollars per month, and one deputy who shall be appointed by said county clerk, who shall be paid a salary of one hundred fifty dollars per month, said salaries of said deputies to be paid by said county monthly and at the same time and in the same manner and out of the same fund as the salary of the county clerk is paid; *provided, further*, that there is hereby allowed to the county clerk such additional deputies to be appointed by said county clerk, as may be necessary to carry on the work of his office for a length of time not to exceed four months in each year for each deputy, and the aggregate compensation to be paid all of said deputies shall not exceed six hundred dollars in any one year; said deputies to be paid at the same time and Clerk.

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 five hundred dollars per annum, and also all fees for service in actions arising out of his county; *provided*, that in counties of this class there shall be and is hereby allowed to the sheriff one undersheriff, who shall be appointed by said sheriff, who shall be paid a salary of two hundred dollars per month, and one deputy who shall be appointed by said sheriff, who shall be paid a salary of one hundred seventy-five dollars per month, said salaries 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.

Recorder.

3. The recorder, three thousand 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 two hundred dollars per month, and one deputy, who shall be appointed by the recorder, who shall be paid a salary of one hundred twenty-five dollars per month, and two copyists who shall be appointed by said recorder, who shall be paid a salary of one hundred ten dollars per month, each, said salaries of said deputies and of said copyists 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. He may also appoint such additional copyists as may be required for the recording of all papers, notices, or documents, in his office, who shall receive for their services the sum not to exceed seven cents per folio for typewritten recording of each paper or document so recorded paid out of the fees collected by him; *further*, that said recorder shall file monthly with the county auditor a sworn statement showing in detail the persons and the amounts paid to each for such recording.

Auditor.

4. The auditor, four thousand dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the auditor, clerks and employees, who shall be appointed by said auditor, who shall be paid salaries as follows: One deputy auditor at a salary of two hundred dollars per month, and one deputy at a salary of one hundred fifty dollars per month, and a sum not to exceed six hundred dollars in any one year for such additional clerk hire as may be necessary, said salaries of the clerks and employees herein provided for shall 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 auditor is paid.

Treasurer.

5. The treasurer, three thousand five hundred dollars per annum; and such fees as are now or may hereafter be allowed by law; *provided*, that in counties of this class there shall be and is hereby allowed to the treasurer, one deputy, who shall be appointed by said treasurer and who shall be paid a salary of one hundred seventy-five dollars per month, said salary of said deputy 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 treasurer is paid.

6. The tax collector, three 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 two hundred dollars per month, and one deputy who shall be appointed by said tax collector, who shall be paid a salary of one hundred twenty-five dollars per month, said salaries 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 thirty-first day of December, both dates inclusive, in each year. Said copyist shall be appointed by said tax collector, and shall be paid a salary of one hundred ten 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; *provided, further*, that in counties of this class, the said tax collector be allowed a sum not to exceed one thousand dollars per annum for such additional clerk hire as may be necessary, the same to be paid in the same manner and out of the same fund as the salary of the tax collector is paid; *provided, further*, that said tax collector shall be entitled to receive and retain for his own use ten per centum only of all licenses collected by him.

Tax collector.

7. The assessor, four thousand five hundred dollars per annum, and also such fees and commissions as are allowed by law; *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 seventy-five 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 deputy who shall be appointed by said assessor, who shall be paid a salary of one hundred 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 assessor is paid; *provided, further*, that in counties of this class there shall be and is hereby allowed to the assessor, a copyist, who shall be appointed by said assessor from the first day of January to the thirty-first day of July, inclusive, during each year. Said copyist shall be paid a salary of one hundred ten 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 said assessor is paid; *provided, further*, that in counties of this class there shall be and is hereby allowed to the

Assessor.

assessor a copyist, who shall be appointed by said assessor from the first day of February to the thirty-first day of August, inclusive, during each year. Said copyist shall be paid a salary of one hundred ten 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 said assessor is paid; *provided, further*, that said assessor shall be entitled to receive and retain for his own use three per centum only in personal property tax collected by him as authorized by section three thousand eight hundred twenty of the Political Code of the State of California; *provided, further*, that there is hereby allowed to the assessor such additional deputies to be appointed by said assessor as may be necessary to carry on the work of his office for a length of time not to exceed four months in each year for each deputy, and the aggregate compensation to be paid all of such deputies shall not exceed four thousand five hundred dollars in any one year; said deputies to be paid monthly at the same time out of the same fund and in the same manner as the salary of said assessor is paid.

Attorney.

8. The district attorney, three thousand six hundred dollars per annum; *provided*, that in counties of this class, the district attorney may appoint a deputy which office of deputy district attorney is hereby created; said deputy to be employed at such times and to receive such salary not to exceed the sum of one hundred fifty dollars per month as the board of supervisors may fix by resolution; *provided, further*, that said district attorney may appoint a stenographer at a salary of one hundred ten dollars per month. Said deputy and said stenographer shall be paid at the same time and out of the same fund as other county officers are paid.

Supt. of schools.

9. The superintendent of schools, three thousand six hundred dollars per annum and actual traveling expenses, while attending to his duties as such superintendent of schools; *provided*, that such traveling expenses shall not in any one year exceed the sum of seven hundred fifty dollars; *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 two hundred dollars per month 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; and an assistant supervisor of schools, which office is hereby created, and who shall serve as such during the months of February, March, April, May, and June of each year, and who shall be appointed by the superintendent of schools and shall receive a salary of two hundred dollars per month, payable in the same manner and at the same time and out of the same fund as the salary of the said county superintendent of schools is paid.

Coroner.

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. Public administrator.

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

13. For the purpose of fixing the compensation of justices of the peace and constables according to their duties, townships in counties of this class are hereby classified according to their population as follows: Townships having a population of ten thousand or more shall belong to and be known as townships of the first class; townships having a population of less than ten thousand and more than five thousand shall belong to and be known as townships of the second class; townships having a population of less than five thousand and more than one thousand shall belong to and be known as townships of the third class; townships having a population of less than one thousand and more than nine hundred shall belong to and be known as townships of the fourth class; townships having a population of less than nine hundred shall belong to and be known as townships of the fifth class. The population of the several townships shall be determined by the board of supervisors upon the enactment of this act and also at the time of the formation of any new township or townships for the purpose of this and the succeeding subdivisions by the federal census taken during the year 1910. Justices of the peace shall receive the following salaries: Classification of townships.

In townships of the first class the sum of one hundred fifty dollars per month; *provided*, that each justice of the peace in townships of this class shall be an attorney at law admitted to practice before the supreme court of this state;

In townships of the second class the sum of one hundred twenty-five dollars per month;

In townships of the third class, the sum of one hundred dollars per month; *provided*, that in townships of this class the justice of the peace is hereby allowed a clerk, who shall be appointed by said justice of the peace and who shall be paid a salary of fifty dollars per month, the compensation of said clerk to be paid in the same manner, at the same time, and out of the same fund, as the salary of the justice of the peace is paid;

In townships of the fourth class the sum of ten dollars per month;

In townships of the fifth class the sum of five dollars per month;

Said salaries shall be paid in the same manner, and out of the same fund as the salaries of county officers are paid, and shall be compensation in full for all services rendered. All fees received by justices of the peace shall be paid into the county treasury every month. Justices of the peace of the first and second classes shall be allowed their necessary office expenses not to exceed the sum of fifteen dollars per month; *provided, further*, that all justices of the peace shall be allowed their civil and criminal dockets and legal blanks at Justices of the peace.

the expense of the county; *provided, further*, that the justices of the peace of the townships of the third class when in the trial of criminal cases it becomes necessary to rent a hall to conduct said trial, the said justices of the peace of said townships of the third class shall be allowed the rental paid therefor, but not to exceed the sum of three dollars for any one day; *and provided, further*, that said rental shall not exceed in any one month the sum of fifteen dollars.

Constables.

14. Constables shall receive the following salaries:

In townships of the first class the sum of one hundred dollars per month. Said constables shall be entitled to receive and retain for their own use and benefit all fees collected for the service of civil processes.

In townships of the second class the sum of eighty dollars per month. Said constables shall be entitled to receive and retain for their own use and benefit all fees collected for the service of civil processes.

In townships of the third, fourth and fifth classes 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. It is hereby found as a fact that the salaries provided for in this subdivision do not work an increase in compensation and the same shall apply immediately to incumbents.

Supervisors.

15. Each member of the board of supervisors one hundred dollars per month, and ten cents per mile while traveling 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 the distance actually traveled in the discharge of his duties as road commissioner; *provided*, that such mileage as road commissioner shall not in any one year exceed the sum of three hundred dollars.

Board of education.

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 by law.

Reporter.

In counties of this class, the official phonographic reporter of the superior court shall receive the sum of one hundred fifty dollars per month as compensation for the reporting of criminal cases both in the superior court and justice's court in the county, and for the transcription of the shorthand notes of such cases, he shall receive fifteen cents per folio of one hundred words for the original and seven and one-half cents per folio for each copy thereof as compensation for reporting and for the transcription of his shorthand notes. In civil cases he shall receive the fees now or hereafter authorized by law; *provided*, that he shall receive from the county no fees for the county's share of the cost of reporting in any civil cases in which the county is a party. The salary of the

reporter shall be paid out of the county treasury in the same manner as other county officers are paid.

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

CHAPTER 380.

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

[Approved by the Governor May 23, 1925.]

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

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

CHAPTER 381.

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

[Approved by the Governor May 23, 1925.]

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

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

4235. In counties of the sixth class the county officers shall receive as compensation for the services required of them by law, or by virtue of their offices, the following salaries, to wit: Counties of 6th class: salaries and fees of officers.

1. The county clerk, four thousand two hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the county clerk one deputy county clerk who shall act as clerk of the probate department, who shall receive a salary of two thousand four hundred dollars per annum; also one deputy county clerk to act as clerk to the board of supervisors, who shall receive a salary of two thousand four hundred dollars per annum; also one deputy county clerk who shall be the registrar of voters and who shall receive a salary of two thousand four hundred dollars per annum; also one deputy county clerk who shall serve as general office clerk who shall receive a salary of two thousand four Clerk.

hundred dollars per annum; also three deputy county clerks who shall serve as clerks of the several departments of the superior court who shall receive a salary of two thousand one hundred dollars per annum each; also one deputy county clerk who shall serve as desk clerk, who shall receive a salary of two thousand one hundred dollars per annum; *provided, however*, that the county clerk shall not be allowed the additional deputy provided by section four thousand two hundred ninety of the Political Code of the State of California; also one deputy county clerk who shall serve as assistant to the clerk of the probate department and who shall receive a salary of two thousand one hundred dollars per annum; also one deputy county clerk in the probate department, who shall receive a salary of one thousand eight hundred dollars per annum; the deputies herein provided for shall be appointed by the clerk of said county and their salaries shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same funds as the salary of the county clerks. The county clerk shall also be allowed an additional deputy, which office is hereby created, at an annual salary of one thousand eight hundred dollars per annum to be paid as are other deputies herein provided for; *provided, further*, that in any year in which a general election is held the said clerk may appoint two deputies who shall serve for a term of twelve months, who shall each receive a salary of one hundred twenty-five dollars per month, to be paid as are other deputies herein provided for; four deputies who shall serve for a term of eight months who shall each receive a salary of one hundred twenty-five dollars per month, to be paid as are other deputies herein provided for; and two deputies who shall serve for a term of six months who shall each receive a salary of one hundred twenty-five dollars per month, to be paid as are other deputies herein provided for; also, in the event of special elections in any odd-numbered year, the county clerk shall be allowed additional deputies at a compensation to be fixed by said county clerk, such compensation, however, not to exceed in the aggregate for all of such deputies the sum of one thousand dollars in any one year; also in such years as the compilation of a great register of voters is required by law to be made one additional deputy in each voting precinct in the county for the purpose of registering electors in such precincts, who shall be paid ten cents per name for each elector legally registered by them; *provided*, that said county clerk may be allowed the actual and necessary expenses incurred by him in the performance of his official duties, and shall pay into the county treasury all fees received by him in his official capacity from whatever source they may be derived.

Sheriff.

2. The sheriff, four thousand six hundred dollars per annum; *provided*, that there shall be and there hereby is allowed to the sheriff one undersheriff whose salary is hereby fixed at the sum of two thousand seven hundred dollars per annum;

also thirteen deputies who shall each receive a salary of two thousand one hundred dollars per annum, one of whom shall speak the Italian language and shall be competent to act as an Italian interpreter; also two deputies who shall each receive a salary of one thousand eight hundred dollars per annum; also one deputy who shall act as matron of the county jail who shall receive a salary of one thousand three hundred twenty dollars per annum. The undersheriff and deputies herein provided for shall be appointed by the sheriff and paid at the same time and in the same manner and out of the same funds as is the salary of the sheriff; *provided*, that said sheriff shall be allowed the actual and necessary expenses incurred in the performance of his official duties. He shall pay into the county treasury all fees and mileage collected by him for the service of papers or process issued by any court of this state.

3. The county recorder, four thousand two hundred dollars **Recorder.** per annum, and said recorder may appoint one deputy recorder who shall receive a salary of two thousand four hundred dollars per annum; also four deputy recorders who shall each receive a salary of one thousand eight hundred dollars per annum; also two deputy recorders who shall each receive a salary of one thousand five hundred dollars per annum; also as many deputies to act as copyists as may be required, who shall receive as compensation the sum of seven cents per folio for recording all instruments or notices, except maps and plats, and for copies of any record seven cents per folio; *provided*, that such recorder may be allowed the actual and necessary expense incurred by him in the performance of his official duties, and shall pay into the county treasury all fees received by him in his official capacity from whatever source they may be derived.

4. The county auditor, four thousand two hundred dollars **Auditor.** per annum; and said auditor may appoint one deputy auditor who shall receive a salary of two thousand four hundred dollars per annum; also one deputy auditor to serve as accountant who shall receive a salary of one thousand eight hundred dollars per annum; also two deputy auditors who shall receive a salary of one thousand eight hundred dollars each per annum; also one redemption clerk who shall receive a salary of one thousand eight hundred dollars per annum; *provided*, that the auditor shall be allowed six additional deputies for a period of one month who shall each receive a salary or compensation of five dollars per day for each day actually employed, and five additional deputies for a period of two months who shall each receive a salary or compensation of five dollars per day for each day actually employed. The deputies herein provided for shall be paid at the same time and in the same manner as is the county auditor; *provided*, that such auditor shall pay into the county treasury all fees received by him in his official capacity.

Treasurer.

5. The county treasurer, four thousand two hundred dollars per annum, and said treasurer may appoint one deputy treasurer, who shall receive a salary of two thousand four hundred dollars per annum. The treasurer may also appoint a deputy county treasurer, which office is hereby created, at an annual salary of one thousand eight hundred dollars per annum. All fees and commissions collected by said treasurer in his official capacity 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 funds as is the county treasurer.

Until January 1, 1927, but not thereafter, 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; *provided, however*, whenever the fees received on account of any one estate paying inheritance taxes shall exceed the sum of two hundred dollars, such excess shall be by the county treasurer paid into the county treasury as in the case of fees received by him from other sources.

Tax collector.

6. The tax collector, four thousand two hundred dollars per annum; and said tax collector may appoint one deputy tax collector who shall receive a salary of two thousand four hundred dollars per annum, three additional deputy tax collectors who shall receive a salary of one thousand eight hundred dollars each per annum; also fifteen additional deputy tax collectors to serve as such only for a period of two and one-half months in each year, and who shall receive a salary of one hundred twenty-five dollars each per month; also five additional deputy tax collectors who shall serve as such only during two months of each year and who shall receive a salary of one hundred twenty-five dollars each per month; also twelve copyists who shall serve only during one and one-half months of each year, and who shall each receive a salary of one hundred twenty-five dollars per month. The deputies and copyists herein provided for shall be paid at the same time and in the same manner and out of the same funds as is the salary of the tax collector; *provided*, that said tax collector shall be allowed the actual and necessary expenses incurred by him in the performance of his official duties, including the making and compiling of the necessary indices to the assessment roll, and shall pay into the county treasury all fees received by him in his official capacity from whatever source they may be derived.

License collector.

7. The license collector, fifteen per cent of the whole amount of license collected by him; *provided*, that the entire compensation of said license collector shall not exceed the sum of one thousand five hundred dollars per annum.

Assessor.

8. The county assessor, four thousand two hundred dollars per annum; and said assessor may appoint one chief deputy assessor who shall receive a salary of two thousand four hundred dollars per annum; one supervising deputy assessor who

shall receive a salary of one thousand eight hundred dollars per annum; five office deputy assessors who shall each receive a salary of one thousand eight hundred dollars per annum; also twenty-three 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 fifty dollars per month; three deputy assessors to serve as such during six months of each year who shall receive a salary of one hundred twenty-five dollars each per month; four deputy assessors to serve as such during four months of each year who shall receive a salary of one hundred twenty-five dollars each per month; also two proofreaders to serve as such for only four months in any one year and who shall each receive a salary of one hundred twenty-five dollars per month; and also seven copyists to serve as such only during four months of each year who shall receive a salary of one hundred twenty-five 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 of such commissions shall be paid into the county treasury. The deputies, copyists and proofreaders herein provided for shall be paid at the same time and in the same manner and out of the same fund as is the county assessor; *provided*, that the assessor shall be allowed the actual and necessary expenses incurred by him in the performance of official duties; *and provided, further*, that all deputies herein specified shall be allowed actual and necessary traveling expenses incurred in the performance of official duties, not to exceed, however, for each deputy the sum of twenty-five dollars per month.

9. The district attorney, four thousand two hundred dollars Attorney. per annum; he may appoint a chief deputy at a salary of three thousand dollars per annum; four assistant district attorneys at a salary of two thousand seven hundred dollars each per annum; one detective who shall serve at a salary of two thousand one hundred dollars per annum; one clerk at a salary of one thousand eight hundred dollars per annum; and one stenographer at a salary of one thousand six hundred twenty dollars per annum; all of whom shall be paid in the same manner as said district attorney; *provided*, that said district attorney shall be allowed the actual and necessary expenses incurred by him in the performance of his official duties. All fees and commissions collected by him shall be paid into the county treasury.

10. The coroner and public administrator, such fees as are now or may hereafter be allowed by law. Said coroner may appoint deputies not to exceed three in number; *provided*, that said deputy coroner shall receive only such fees as the coroner would receive if acting. Coroner and public administrator.

11. The county superintendent of schools, four thousand two hundred dollars per annum; and the said superintendent of Supt. of schools.

schools may appoint a deputy superintendent of schools who shall receive a salary of two thousand four hundred dollars per annum, and one deputy superintendent of schools who shall receive one thousand eight hundred dollars per annum. He may also appoint an additional deputy superintendent of schools, which office is hereby created, at an annual salary of one thousand five hundred dollars per annum. The said superintendent of schools shall also be paid actual traveling expenses when visiting the schools of the county. The deputies herein provided for shall be paid at the same time and in the manner and out of the same fund as is the superintendent of schools.

Surveyor.

12. The county surveyor, the sum of four thousand two hundred dollars per annum; and said surveyor may appoint a deputy surveyor who shall receive a salary of two thousand five hundred eighty dollars per annum; also, one deputy who shall receive a salary of two thousand four hundred dollars per annum; one deputy who shall receive a salary of two thousand two hundred eighty dollars per annum; one deputy who shall receive a salary of two thousand one hundred dollars per annum; one deputy who shall receive a salary of one thousand nine hundred twenty dollars per annum, and one deputy who shall receive a salary of one thousand eight hundred dollars per annum who shall be a draftsman whose duties shall include the preparation of maps for the county assessor, and one deputy at a salary of one thousand six hundred eighty dollars per annum, who shall be a draftsman whose duties shall include the preparation of maps for the county assessor; and one deputy at one thousand five hundred dollars per annum. Such compensation and salaries as above set forth shall be in full for all services as such county surveyor, and all fees and compensation received or collected by him for surveying other than for the county, shall be paid into the county treasury; *provided*, that said county surveyor shall be allowed all necessary transportation and expenses incurred by himself or deputies for work performed in the field, and in the official discharge of his duties. Such salaries shall be paid at the same time and in the same manner as the salaries of other county officers are paid. Said surveyor shall also have power to appoint such inspectors as he may deem necessary, for the proper supervision of all roads and bridges under construction, and the compensation of said inspectors shall be a proper charge against the county.

Fish and
game
warden.

13. The fish and game warden, one thousand two hundred dollars per annum and the actual and necessary expenses incurred by him in the performance of his official duties.

Justices of
the peace.

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:

(1) In townships having a population of twenty thousand or more, justices of the peace shall each receive a salary of two hundred fifty dollars per month as full compensation for

all services rendered by them, except as hereinafter provided: *provided, however*, that in all such townships having a population of twenty thousand or more, there shall be two township justices of the peace in and for any such township, and said justices of the peace shall each be allowed a clerk to be appointed by such justice of the peace at a salary of one hundred thirty-seven and one-half dollars per month each, payable monthly in the same manner as salaries of county officers are paid.

(2) In townships having a population of fifteen thousand and less than twenty thousand, justices of the peace shall each receive a salary of one hundred seventy-five dollars per month for all services rendered by them, except as hereinafter provided.

(3) In townships having a population of ten thousand and less than fifteen thousand, justices of the peace shall each receive a salary of one hundred thirty-seven dollars and fifty cents per month for all services rendered by them, except as hereinafter provided.

(4) In townships having a population of five thousand and less than ten thousand, justices of the peace shall each receive a salary of one hundred thirty-five dollars per month as full compensation for all services rendered by them, except as hereinafter provided.

(5) In townships having a population of two thousand five hundred and less than five thousand, justices of the peace shall each receive a salary of seventy-five dollars per month as full compensation for all services rendered by them, except as hereinafter provided.

(6) In townships having a population of two thousand and less than two thousand five hundred, justices of the peace shall each receive the sum of sixty dollars per month as salary for all services rendered in both civil and criminal cases. All fees collected by them shall be paid monthly by them into the county treasury; *provided*, that where a township census has been ordered taken and adopted by the board of supervisors, as in this act contained, said census shall be and remain the official census of such township; and shall not be affected by any provision of this act with respect to the application of the federal census of one thousand nine hundred twenty in classifying townships.

(7) In townships having a population of one thousand and less than two thousand, justices of the peace shall each receive a salary of fifty dollars per month as full compensation for all services rendered by them, except as hereinafter provided.

(8) In townships having a population of less than one thousand, justices of the peace shall each receive a salary of thirty dollars per month as full compensation for all services rendered by them, except as hereinafter provided.

Justices of the peace in all townships in counties of the sixth class shall be permitted to receive and retain for their own use, fees for celebrating marriages and returning certifi-

Disposition
of fees.

cates thereof, but all other fees shall be collected by them and by them paid into the county treasury at least once a month. They shall be furnished with offices and necessary supplies, including light, heat, telephone service and incidental expenses, by the board of supervisors.

Constables

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:

(1) In townships having a population of twenty thousand or more, constables shall each receive a salary of one hundred fifty dollars per month for all services rendered by them in criminal cases. As compensation for all services rendered in civil cases and all other matters wherein they may charge fees for their services, a constable may collect and retain for his own use as his compensation such fees as are now, or may hereafter be allowed by law.

(2) In townships having a population of fifteen thousand and less than twenty thousand, constables shall each receive the sum of one hundred twenty-five dollars per month as salary for all services rendered by them in criminal cases. As compensation for all services rendered by them in civil cases and in all matters wherein they may charge fees for their services, constables in such townships may collect and retain for their own use such fees as are now or may hereafter be allowed by law.

(3) In townships having a population of ten thousand and less than fifteen thousand, constables shall each receive the sum of one hundred dollars per month as salary for all services rendered by them in criminal cases. As compensation for all services rendered by them in civil cases and in all other matters wherein they may charge fees for their services, constables may collect and retain for their own use as compensation such fees as are now or may hereafter be allowed by law.

(4) In townships having a population of five thousand and less than ten thousand, constables shall each receive the sum of one hundred dollars per month as salary for all services rendered by them in criminal cases, civil cases and in the performance of all other duties imposed upon them by law. All fees chargeable and collectible in both criminal cases, civil cases, and in all other cases wherein fees are chargeable by constables, shall be collected in advance and paid monthly into the county treasury.

(5) In townships having a population of two thousand five hundred and less than five thousand, constables shall each receive the sum of seventy-five dollars per month as a salary for all services rendered by them in both civil and criminal cases. All fees collected by them in civil and criminal cases shall be paid monthly by them into the county treasury. For all other services performed by them, they may charge and retain for their own use such fees as are chargeable by law.

(6) In townships having a population of two thousand and less than two thousand five hundred, constables shall each

receive the sum of seventy-five dollars per month as salary for all services rendered in both civil and criminal cases. All fees collected by them shall be paid monthly by them into the county treasury; *provided*, that in townships in which a township census has been ordered, taken and adopted by the board of supervisors, as in this act hereinafter provided, constables shall each receive the sum of seventy-five dollars per month as salary for all services rendered in criminal cases, and that for all other services performed by them they may charge and collect for their own use such fees as are allowed by law.

(7) In townships having a population of one thousand and less than two thousand, constables shall each receive the sum of fifty dollars per month as salary for all services rendered in criminal cases. All fees collected by them in criminal cases shall be paid monthly by them into the county treasury. For all other services performed by them they may charge and collect for their own use such fees as are allowed by law.

(8) In townships having a population of less than one thousand, constables shall each receive the sum of forty dollars per month as a salary for all services rendered by them in criminal cases. All fees collected by them in criminal cases shall be paid monthly into the county treasury. For all other services performed by them they may charge and collect for their own use such fees as are allowed by law.

Constables shall be allowed all necessary expenses incurred in conveying prisoners. Expenses.

The population herein referred to in classifying townships for the purpose of regulating the compensation of justices of the peace and constables shall be the population found and determined by the federal census taken in the year 1920; *provided, however*, that a township census may be taken for the purpose of establishing the official census of such township in the manner hereinafter specified and when so taken, such census shall be known as and shall become the official census of such township in which it is taken and the population therein determined shall be and become the official population of such township. Whenever there shall be presented to the board of supervisors of the county a petition signed by the qualified electors of any township or townships in number equal to twenty-five per cent of the votes cast at the preceding general election, praying that said township or townships may be allowed to take the census of said township or townships for the purpose of ascertaining the population therein contained, the board of supervisors may order such census to be taken by one or more suitable persons appointed therefor by the board of supervisors and such census shall be taken by such persons so appointed, of all of the inhabitants of such township or townships. The full name of each person shall be plainly written, the names alphabetically arranged and regularly numbered in one complete series and when completed, shall be verified by the proper official authorized to administer Population of townships. Special census.

oaths and be filed with the county clerk and thereupon the same shall be known and shall be the official census of said township or townships.

Supervisors

16. Each supervisor, three thousand 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.

Jurors.

17. The fees of grand jurors and trial jurors in the superior courts of said counties of the sixth class, in civil and criminal cases shall be three dollars, in lawful money of the United States, for each day's attendance, and mileage to be computed at the rate of fifteen cents per mile for each mile necessarily traveled in attending court, in going only. In criminal cases such fees and mileage of said trial jurors in the superior court shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the court in which said juror was in attendance, and the treasurer of said county shall pay said warrants. The board of supervisors of said county is hereby directed to make suitable appropriation for the payment of the fees herein provided for.

Official bonds.

SEC. 2. Whenever under the provisions of law or otherwise a bond is required of any county officer or of any of his deputies, the premium of such bond shall be paid from the general funds of the county.

Effect of act

SEC. 3. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes.

CHAPTER 382.

An act to amend sections three thousand seven hundred fifty-one and three thousand eight hundred seventeen of the Political Code, relating to delinquent taxes.

[Approved by the Governor May 28, 1925.]

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

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

Tax receipts.

§751. 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 any part of tax paid, and the

amount remaining unpaid, if any, with a description of the property assessed, and printing clearly the beginning and ending of the fiscal year for which such tax is paid; *provided*, that the receipt for the last installment of taxes may refer, by number or any other intelligent manner, to the receipt given for the first installment of taxes in lieu of a description of the property assessed; *provided, further*, that all tax bills have printed thereon a conspicuous notice that in the event that taxes are unpaid the delinquent will, in addition to the same, be obliged to pay upon redemption of the property, interest at seven per cent per annum and the redemption penalties required under section three thousand eight hundred seventeen of the Political Code, with the percentages therefor set forth.

SEC. 2. Section three thousand eight hundred seventeen of the Political Code is hereby amended to read as follows:

3817. In all cases where real estate has been sold, or may hereafter be sold to the state for delinquent taxes and the state has not disposed of the same, the person whose estate has been or may hereafter be sold, his heirs, executors, administrators or other successors in interest shall, at any time after the same has been sold to the state and before the state shall have disposed of the same, have the right to redeem such real estate by paying to the county treasurer of the county wherein the real estate may be situated, the amount of taxes, penalties for delinquency and costs due thereon at the time of such sale, with interest on the aggregate amount of said taxes, at the rate of seven per cent per annum; and also all taxes that were a lien upon said real property at the time said taxes became delinquent; and also all unpaid taxes of every description assessed against the property for each year since the sale, as shown on the delinquent assessment rolls in the then permanent custody of the county auditor; or, if not so assessed, then upon the value of the property as assessed in the year nearest the time of such redemption, with interest from the first day of July of each of said years, respectively, at the same rate, to the time of redemption; and also all costs and expenses of such redemption, and penalties as follows, to wit: Ten per cent if redeemed within six months from July first of the year of sale; twenty per cent if redeemed within one year therefrom; thirty per cent if redeemed within two years therefrom; forty per cent if redeemed within three years therefrom; forty-five per cent if redeemed within four years therefrom; and fifty per cent if redeemed within five or any greater number of years therefrom. The penalty shall be computed upon the amount of each year's taxes in like manner, reckoning from July first of the year when the lands would have been sold for the taxes of that year, if there had been no previous sales thereof.

The county auditor shall, on the application of the person desiring to redeem, make an estimate of the amount to be paid, and shall give him triplicate certificates of the amount, specify-

Redemption
of property
sold for
taxes.

Penalties
payable.

Estimate of
amount to be
paid.

ing the several amounts thereof, which certifies the redemptioner shall deliver to the county treasurer, together with the money, and the county treasurer shall give triplicate receipts, written or indorsed upon said certificates, one to the redemptioner, and two to the county auditor, who shall deliver one of the said receipts to the state controller.

Report, etc.,
of redemp-
tion.

Upon consummation of the redemption and the delivery of the receipts aforesaid by the treasurer, the auditor shall report the same to the assessor, tax collector and recorder, and the recorder shall, without payment of fee, note on the margin of the record of the certificate of sale, or deed, if issued, the fact of such redemption, the date thereof, and by whom redeemed, which certificate of sale, or deed, shall become null and void, and all right, title and interest acquired by virtue of the tax sale, shall cease and determine.

Settlement.

The county treasurer shall settle for the moneys received as for other state and county moneys.

State
receipt.

The state controller shall, upon request of the auditor, issue a receipt which may be recorded in the recorder's office of the county in which said real estate is situated, in the book of deeds, and the record thereof shall have the same effect as that of a deed of reconveyance of the interest conveyed by such deed or certificate of sale.

Application.

This act shall also apply to state lands sold by the state when the full amount of the purchase price has not been paid to the state therefor, after the deed to the state, provided for in section three thousand seven hundred eighty-five has been filed with the surveyor general; *provided, however*, that one of the receipts showing the redemption of such land shall be delivered to the surveyor general who shall issue his receipt to the redemptioner; *and provided, further*, that no certificates of redemption shall be issued by the county auditor until he has first ascertained from the surveyor general that the land has not been disposed of by the state.

CHAPTER 383.

An act to amend section forty-six and one-half of the "Workmen's compensation, insurance and safety act of 1917," approved May 23, 1917, as amended.

[Approved by the Governor May 23, 1925.]

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

Stats. 1919,
p. 924,
amended.

SECTION 1. Section forty-six and one-half of the "Workmen's compensation, insurance and safety act of 1917" approved May 23, 1917, as amended, is hereby amended to read as follows:

Injunction
against
unsafe em-
ployments.

Sec. 46½. If the condition of any employment or place of employment or the operation of any machine, device, apparatus, or equipment shall constitute a serious menace to the lives or safety of persons about it, the commission, or a commissioner,

may apply to the superior court of the county in which such place of employment, machine, device, apparatus, or equipment is situated, for an injunction restraining the use or operation thereof until such condition shall be corrected. The said application accompanied by affidavit showing that such place of employment, machine, device, apparatus, or equipment is being operated in violation of a general or special safety order of the commission, and that such use or operation constitutes a menace to the life or safety of any person or persons employed thereabout, accompanied by a copy of the order or orders applicable thereto shall constitute a sufficient prima facie showing to warrant, in the discretion of the court, the immediate granting of a temporary restraining order. No bond shall be required from the commission as a prerequisite to the granting of any restraining order. When in the opinion of the industrial accident commission a place of employment machine, device, apparatus, or equipment or any part thereof is in a dangerous condition or is not properly guarded or is dangerously placed, the use thereof shall be prohibited by the commission, and a notice to that effect shall be attached thereto. Such notice shall not be removed except by an authorized representative of the commission, nor until the place of employment, machine, device, apparatus, or equipment is made safe and the required safeguards or safety appliances or devices are provided, and in the meantime such unsafe or dangerous place of employment, machine, device, apparatus, or equipment shall not be used. Every employer, workman or other person who, after such notice is attached as hereinabove provided, uses or operates any such place of employment, machine, device, apparatus or equipment before the same is made safe and the required safeguards or safety appliances or devices are provided, or who defaces, destroys or removes any such notice without the authority of the commission is guilty of a misdemeanor.

Use prohibited by commission.

Penalty.

CHAPTER 384.

An act to add a new section to the Political Code, to be numbered seven hundred thirty-seven eee, relating to the salaries of superior court judges.

[Approved by the Governor May 23, 1925.]

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

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

737eee. The annual salary of each of the judges of the superior court of the State of California, in and for the counties of San Joaquin, San Bernardino and Orange is six thousand dollars per annum; one-half of which shall be paid by the state and the other half thereof by the county in which the judges are elected or appointed.

Superior judges of San Joaquin, San Bernardino and Orange counties.

CHAPTER 385.

An act providing for the certification of cotton seed; defining the powers and duties of the director of agriculture in respect thereof; authorizing the director of agriculture to establish stations for the inspection and certification of cotton seed, authorizing the director of agriculture to issue certificates to the seller of cotton seed showing that the same has been certified by the department of agriculture of the State of California; prohibiting the sale of cotton seed as certified unless the same shall have been inspected and certified by the department of agriculture; and prescribing penalties for the violation of this act.

[Approved by the Governor May 23, 1925.]

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

Citation.

SECTION 1. This act shall be known and when cited or amended may be designated as "certified cotton seed act."

Enforcement of act.

SEC. 2. The director of agriculture of the State of California is hereby charged with the duty of carrying out the provisions of this act, and he shall, on or before sixty days from the time this act becomes effective, put into effect the provisions hereof relative to the inspection of pure cotton seed and the certification thereof. He shall appoint, fix the compensation, and determine the duties of such inspectors and other employees as shall be necessary to carry out the provisions of this act.

Regulations, standards and fees.

SEC. 3. The director of agriculture of the State of California is hereby authorized, empowered, and charged with the duty of drawing up regulations and standards as the basis for the certification of pure cotton seed in the State of California, and to fix, establish, and collect reasonable fees for the certification of pure cotton seed.

Cooperation.

SEC. 4. The director of agriculture of the State of California is hereby authorized and empowered to cooperate in the discharge of the duties which this act authorizes him to perform with the United States department of agriculture and the College of Agriculture of the University of California.

Rules and regulations.

SEC. 5. The director of agriculture of the State of California is hereby authorized and empowered to make such rules and regulations as are necessary and reasonable to enable him to carry out the provisions of this act, and to make possible careful checking of previous crops, parent seed, and necessary field inspections.

Powers of director.

SEC. 6. The director of agriculture of the State of California shall have the power:

(a) To fix and define what shall be known as certified pure seed cotton and shall within ten days after the passage of this act establish and promulgate the official standards for the certification of pure cotton seed.

(b) He shall have power to make, amend, or repeal rules and regulations for the grading and certification of pure

cotton seed for the purposes of carrying out the provisions of this act.

(c) To fix and determine all charges for grading and certification of pure cotton seed.

SEC. 7. The director of agriculture of the State of California is hereby authorized to establish stations for the inspection and certification of pure cotton seed at such convenient points in the state as in his judgment are convenient and advisable. Stations.

SEC. 8. The director of agriculture of the State of California is authorized and empowered to issue to the sellers of certified pure cotton seed the proper certificates showing that the same has been inspected and certified by him, his inspectors, or employees, and authorizing such seller to sell pure cotton seed as having been certified by the department of agriculture of the State of California. Certificates.

SEC. 9. The director of agriculture of the State of California shall issue to each inspector or employee assigned by him to inspect and certify pure cotton seed under this act a certificate showing such authority, which shall be posted in a permanent and conspicuous place at the station designated by the director of agriculture for the inspection of pure cotton seed and where such inspector or employee may be stationed. Authority to inspect.

SEC. 10. The director of agriculture and his duly authorized inspectors or employees may enter and inspect any place where cotton seed is stored, shipped, sold, or offered for sale for the purpose of carrying out the provisions of this act. Inspection of places.

SEC. 11. It shall be unlawful for any person, individual, copartnership, association, firm or corporation, agent or employee thereof, to use the term "certified" upon any cotton seed sold or offered for sale in the State of California unless the same shall have been inspected and certified by the department of agriculture as provided in this act. Use of term "certified."

SEC. 12. From and after the date of this passage, it shall be unlawful for any person, individual, copartnership, association, firm or corporation, agent or employee thereof to sell within the State of California any cotton seed labeled, designated, or represented as "certified pure cotton seed" or "certified cotton seed," unless the same shall have been inspected and approved by the director of agriculture, as provided by this act, and a certificate issued to such person authorizing the sale of such cotton seed as "certified pure cotton seed" or "certified cotton seed." Sale of cotton seed.

SEC. 13. Any person, individual, copartnership, association, firm or corporation, agent or employee thereof, violating any of the provisions of this act shall be guilty of a misdemeanor. Penalty.

SEC. 14. All moneys collected under the provisions of this act shall be credited to the cotton seed certification fund, which fund is hereby created, and shall be held subject to the uses of the department of agriculture for the purpose of carrying out the provisions of this act. Fund.

Constitutionality.

SEC. 15. If any clause, sentence, paragraph or part of this act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered. The legislature hereby declares that it would have passed this act irrespective of the fact that any clause, sentence, paragraph, or part thereof be declared unconstitutional.

Repealed.

SEC. 16. All acts and parts of acts in conflict herewith are hereby repealed.

CHAPTER 386.

An act appropriating money to provide for the grading, paving, curbing, guttering and drainage of those portions of Normal street, Normal-Campus intersection, Campus street, Campus-Meade intersection, and Meade avenue, in San Diego, California, fronting on property of the San Diego State Teachers College.

[Approved by the Governor May 23, 1925.]

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

Appropriation: street improvements in San Diego.

SECTION 1. The sum of twenty-two thousand five hundred dollars, or as much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be expended in accordance with law, for the grading, paving, curbing, guttering and drainage of that one-half of Normal street, Normal-Campus intersection, Campus street, Campus-Meade intersection, and Meade avenue fronting on the property of the San Diego Teachers College, San Diego, California, to be expended for that purpose by the state board of education with the approval of the state board of control.

CHAPTER 387.

An act to amend the title and sections three, four, twenty-one, and twenty-three of an act entitled "An act to provide for the incorporation and organization and management of bridge and highway districts and to provide for the acquisition and construction by said districts of bridges and approaches thereto, and for the acquisition of all property necessary therefor, and also to provide for the issuance and payment of bonds by said districts, for the levying of taxes and the collection of tolls by said districts and for the annexation of additional territory thereto,"

relative to the construction of bridges and highways, approved May 25, 1923.

[Approved by the Governor May 23, 1925.]

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

SECTION 1. The title of an act entitled "An act to provide for the incorporation and organization and management of bridge and highway districts and to provide for the acquisition and construction by said districts of bridges and approaches thereto, and for the acquisition of all property necessary therefor, and also to provide for the issuance and payment of bonds by said districts, for the levying of taxes and the collection of tolls by said districts and for the annexation of additional territory thereto," approved May 25, 1923, is hereby amended to read as follows: "An act to provide for the incorporation and organization and management of bridge and highway districts and to provide for the acquisition and construction by said districts of highways, bridges and approaches thereto, and for the acquisition of all property necessary therefor, and also to provide for the issuance and payment of bonds by said districts, for the levying of taxes and the collection of tolls by said districts and for the annexation of additional territory thereto."

Stats. 1923,
p. 452,
amended.

Title.

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

Stats. 1923,
p. 453,
amended.

SEC. 3. Such petition which may consist of any number of separate instruments shall be presented to the secretary of state, signed by qualified electors, residing within the boundaries of the proposed bridge and highway district, equal in number to at least ten per centum of the number of such qualified electors in each county from which such petitions are presented voting for governor of this state at the last general election prior to the presentation of such petition. The board of supervisors of any county may, in lieu of proceeding by petition, call an election, as provided for the calling of special elections under the laws pertaining thereto, to be held in conformity therewith, where and when the same may be determined by a majority vote of the electors voting thereat.

Petition to
secretary of
state.

Such petition shall set forth the extent of the district, either by describing its exterior boundaries, or by naming the counties proposed to be included therein, as having been determined by said ordinance and in case only part of any county is proposed to be included therein, the extent of the part of the county included may be indicated by naming the county and excepting therefrom, some administrative or governmental subdivision or subdivisions thereof, such as townships, school districts or other similar subdivisions, or such excluded portion may be described by its boundaries, and in any of said descriptions of included or excluded territory, reference to recorded instruments may be made for the purpose of defining such boundaries, and shall contain a prayer that such proposed bridge and highway district be incorporated under

Contents of
petition.

Adoption of ordinance.

the provisions of this act. Attached to each of the petitions shall be a copy of the said ordinance. The said ordinance may be enacted by the board of supervisors at any time after application shall be made to them for such purpose, but in case such board shall neglect to act upon such application for a period of sixty days thereafter, the said ordinance may be submitted to the electors of such county or city and county under the provisions of the initiative applicable thereto. In case said ordinance shall be passed by the board of supervisors, it shall be subject to the referendum provisions applicable to ordinances generally

Verification and certification of petitions.

in such county or city and county. The said petitions from any county shall be grouped or fastened together and shall contain a certificate of the county clerk of such county that the same contains the requisite number of qualified signatures of qualified electors. The said county clerk shall have ten days time for the examination of such petitions when left with him for verification and it shall be his duty to verify the same, attach his certificate thereto within said period of time and forward the same to the secretary of state with his certificate that the same is sufficient and if from such examination he shall find that said petition is not signed by the requisite number of qualified electors residing within his county he shall also certify to the number of qualified electors required to make such petition sufficient, and it may be

Supplemental petitions.

amended by filing a supplemental petition or petitions within twenty days from the date of such certificate, either by the same persons theretofore appointed to secure signatures, or by other persons appointed by the board of supervisors for that purpose. The county clerk shall within ten days after the filing of such supplemental petition or petitions make like examination of the same and certify to the result of such examination as hereinabove provided. If his certificate shall show any such petition or said petition as amended to be insufficient it shall be filed by him with the secretary of state and kept by him as a public record without prejudice however to the filing of a new petition to the same effect, but if, by the certificate of the county clerk such petition or said petition as amended is shown to be sufficient the county clerk shall present the same to the secretary of state without delay. If any supplemental petition be filed all of the signatures appended to the petition or to the supplemental petition or petitions shall be considered in determining the number of qualified electors signing the petition. In case an election is had in any county in the place of said petition, the county clerk shall certify to the secretary of state the result thereof, with a copy of the action of the board of supervisors authorizing said election.

Result of election.

Sufficiency of petition.

After the certificate is issued by the secretary of state for the incorporation of such proposed bridge and highway district, the sufficiency of such petition in any respect shall not be subject to judicial review or be otherwise questioned. If any county within the boundaries of such proposed bridge

and highway district shall have a registrar of voters other than the county clerk the said registrar of voters shall perform the duties herein required to be performed by the county clerk respecting the examination, certification and filing of the petition, and said registrar of voters shall return said petition immediately upon the completion of such examination, together with his certificate showing the result of such examination to the secretary of state. When all of said petitions, or certifications of the result of elections when such elections are held, have been received from the several county clerks of counties having any portion of their territory within said proposed bridge and highway district the said secretary of state shall publish the text of such petition for at least three weeks before the time set by him as the time up to which protests may be received as hereinafter provided in at least one and not to exceed three newspapers printed and published in each of the counties from which such petitions have been presented, together with a notice stating the time which he has fixed up to which protests will be received against the inclusion of property within such proposed bridge and highway district. The names attached to said petition need not be published therewith, nor the certificates of any of the county clerks or registrars of voters, but it shall be sufficient to state that the same has been signed by a certain number of electors, naming it, and duly verified by such county clerks or registrars of voters.

Duty of registrar.

Publication of petition.

At any time before the time set by the secretary of state up to which protests may be received, any owner of property subject to taxation within said proposed bridge and highway district, may file, with the secretary of state, his protest in writing against the formation of such district, and stating therein such grounds as he may have for claiming that his said property, or any portion thereof, will not be benefited by the formation of the proposed bridge and highway district. The said protest shall contain the name and address of the person protesting and the name and address of his attorney, if he has one, and all of the protests so received by the secretary of state shall, with the petition filed from the county, be forwarded by the secretary of state to the superior courts in the respective counties from which the same have been received by the secretary of state, and thereupon the said superior courts shall acquire jurisdiction to hear and determine the said protests so received from the owners of lands located within their respective counties. It shall be the duty of the clerk of said superior courts to set the said matters for hearing before said court, and to give ten days' notice thereof in writing to the protestants, and to any person who shall have filed with the secretary of state his name and address as the attorney for the petitioners in said petition, which said attorneys' names and addresses shall also be certified from the office of the secretary of state to the respective county clerks at the time of the transmission of the petitions thereto. At

Protests.

Hearing by superior court.

the time specified in such notice, or at such other time to which the said hearing may be continued, the said superior courts shall have jurisdiction to hear and determine all matters urged by the protestants against the formation of the said proposed bridge and highway district, or against the inclusion of their lands therein, and the said superior courts shall have jurisdiction to exclude the said lands from said proposed district, together with any other lands contiguous to the excluded lands, and contiguous to the exterior boundaries of the proposed district which are similarly situated to the lands of the protestants, to the end that isolated tracts may not be excluded from the district without also rectifying the boundaries thereof so that the district when finally formed shall be compact, continuous and without tracts of land excluded therefrom which are totally surrounded by other lands which are left within the district.

Review by
supreme
court.

The judgment of the said superior courts, when given shall be certified by the clerk to the secretary of state, together with the original petitions and protests theretofore transmitted to him by the secretary of state, and the said judgment shall not be appealable, and all questions of fact therein contained shall be final and conclusive upon the whole world, and shall only be subject to review by the supreme court of this state, upon a writ of review issued out of that court in such cases as writs of review are now permissible against superior courts, or the irregular exercise of the jurisdiction of such courts. Such proceedings for a writ of review must be taken within ten days after the entry of the judgment in the superior courts, and if not so taken all judgments of the superior courts shall become final.

Certificate
of incorpora-
tion.

When all of the protests have been disposed of as hereinabove provided, and the results of the judgments therein certified to the secretary of state, the secretary of state shall thereupon issue his certificate of incorporation declaring the said district with the boundaries as finally established to be duly incorporated, formed and organized and shall file the same in his office, and cause a certified copy thereof to be recorded in the office of the county recorders of each of the counties situated within or partially within said proposed bridge and highway district.

Where county
fails to act
on appli-
cation.

In case the board of supervisors of any county named in the petitions from other counties engaged in the formation of a bridge and highway district shall fail or neglect for sixty days after the application submitted to them, to pass such ordinance, and a period of more than sixty days thereafter shall elapse without any proceeding for passing such ordinance under the provisions of law relating to the initiative being on file with the county clerk or registrar of voters, the latter must upon receipt of an affidavit of an elector of the county, setting forth the date of making the original application to the board of supervisors and the failure of such board to act thereon for sixty days thereafter, issue his certificate to the

secretary of state attached to such affidavit certifying that on the date of the issuing thereof no proceedings have been filed in his office to submit such ordinance to the electors under the provisions applicable to the initiative, and must forthwith transmit such certificate and affidavit to the secretary of state and the latter shall file the same, and the county from which such affidavit and certificate have been received by the secretary of state shall be excluded by him from the proposed district in the same manner as if the same had been excluded by order of the superior court. In case an ordinance declaring it the intention of a county to become part of the bridge and highway district has been submitted to the people and has failed of passage, such fact must also be certified to the secretary of state by the county clerk, and such county must be excluded from the district. In case of the exclusion of a county by the method in this section provided, and other county from which sufficient petitions have been received to become a part of the district, but separated from the remainder of the counties of the proposed district by such excluded county or counties, must not be excluded from the district but shall be included therein.

Where county
rejects
ordinance.

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

Stats. 1923,
p. 456,
amended.

Sec. 4. The secretary of state shall also within five days after the issuance of such certificate notify the boards of supervisors in each of the counties in which any portion of the territory of the district is located, of the formation of such district, and thereupon and within thirty days thereafter each of the boards of supervisors shall appoint a person or persons as hereinafter provided, to act as a board of directors of the district as follows: One director for each county having a population of forty thousand or less; two directors for a county having a population over forty thousand and not more than one hundred thousand; three directors for a county having a population of more than one hundred thousand and less than five hundred thousand; and five for a county or city and county having a population of five hundred thousand and over; *provided*, that in any county or city and county having a population of more than five hundred thousand the number of directors appointed shall be equal to the total number of directors appointed from all of the counties or cities and counties within the district having a population of less than five hundred thousand. All directors shall hold office until the appointment and qualification of their successors, but any director may be removable for cause by the board of supervisors appointing him, if notice is given and a hearing is had upon the nature of the complaint against him. The term of office of directors appointed under the provisions of this act shall be four years from and after their appointment; *provided*, that the first board of directors shall by lot classify themselves so that one-half of their number shall hold office for two years only, and if the number of such directors at the

Appointment
of directors.

Terms of
office.

time of such classification be an odd number then the odd member of said board shall also hold office for the two years, at which time the boards of supervisors shall reappoint their successors for a full term of four years. Vacancies in the board shall be filled for the unexpired term by a like appointment by the said boards of supervisors. The board of directors shall be the governing body of such bridge and highway district and it shall hold its first meeting on the call of the secretary of state within two weeks after the boards of supervisors have made the appointments herein provided to be made. Said appointments shall be by resolution of said boards and certified to the secretary of state. The secretary of state shall designate an appropriate time and place of meeting for the first meeting of the board of directors. The board of directors shall choose one of its members to act as president, and shall also choose a secretary, who shall not be a member of the board and shall thereupon provide for the time and place of holding its meetings, and the manner in which its special meetings may be called. All meetings of the board of directors, whether regular or special, shall be open to the public. A majority of the board of directors shall constitute a quorum for the transaction of business. The board of directors shall establish rules for its proceedings.

Vacancies.

Organization of board.

Stats. 1923,
p. 463,
amended.
Deficiency
tax levy.

SEC. 4. Section twenty-one of said act is hereby amended to read as follows:

Sec. 21. If the revenues of the district are, or in the judgment of the board of directors, will probably be inadequate for any cause to pay the principal or interest on any bonded debt of the district, as it becomes due, the board of directors must cause a tax to be levied as herein provided sufficient to provide for such deficit and to pay the amount of such principal and interest as the same becomes due, except that until the operation of the works of the district has commenced, and the same commenced to yield a revenue, the interest on the bonded debt shall be paid out of the principal obtained from the sale of the bonds, and after the operation of its works no taxes shall be levied except for deficits, either actually incurred or estimated for the fiscal year in which the same are levied. If from any cause the revenues of the district shall be more than adequate to pay all of the expenses of the district for the current year and surplus shall be divided by the directors of the district, and apportioned to the respective counties within the district in the proportion which the assessed value of property within such county, city and county or parts of counties within the district bears to the total assessed value of property within the district.

Surplus
revenues.

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

Sec. 23. Any county, city and county, or any portion of either or both may be added to any bridge or highway district organized under the provisions of this act, at any time, by applying to the board of directors and securing the con-

Stats. 1923,
p. 464,
amended.
Annexation
of additional
territory.

sent of such board by resolution duly adopted by it. Such application shall be made by the board of supervisors of such county in the form of an ordinance applying for permission to become a part of such district. In case the consent of the board of directors is obtained after any bonded debt of the district has been authorized the board of supervisors of such applying county must call an election at which the proposition to join the district and assume the obligation of the bonds of the district along with the territory already included therein, shall be submitted to the electors as one proposition, and unless such proposition receives two-thirds of the vote cast at such election such county shall not be annexed to the district. If, however, the proposition shall carry by a vote of two-thirds or more cast at such election, the result of such election shall be certified to the secretary of state by the county clerk of such county and thereupon the secretary of state shall give notice and call for protests in the same manner as upon the original formation of the district. If the district has not incurred a bonded indebtedness at the time of such application by the board of supervisors to join the same, the county may be annexed by passing an ordinance declaring its intention to join the district and upon petition presented in the manner herein provided for the organization of such bridge and highway district, which petition shall be in a like manner presented to the secretary of state, who shall give notice of the presentation thereof, and of the date set for receiving protests against the same in the same manner as in the case of the original petitions, and all of the provisions hereof which are applicable to original petitions shall be applicable to petitions for annexations. After all protests have been disposed of in a like manner as upon the formation of the district, the secretary of state shall issue his certificate certifying to the annexation and describing the boundaries as finally determined, which certificate shall be recorded in the office of the county recorder of each county wherein any portion of the annexed territory is located, and thereupon the boards of supervisors of such county or counties shall appoint a member or members of the board of directors to serve until the expiration of the term of the directors then holding for the term of office that will soonest expire. From and after the date of the original certificate of incorporation of a bridge and highway district the said bridge and highway district shall be deemed to be incorporated with all of the rights, privileges and powers set forth in this act, and necessarily incident thereto, and from and after the date of such certificate of annexation by the secretary of state the territory named therein shall be deemed added to and form a part of the said bridge and highway district, with all of the rights, privileges and powers set forth in this act and necessarily incident thereto. In case any annexation of any county, city and county or portion of either is proposed to be made to any bridge and highway district already organized the board of

Certificate
of secretary
of state.

Effect of
certificates.

Admission
agreement.

directors of such bridge and highway district shall have full power to prescribe terms upon which the territory proposed to be annexed shall be admitted, including the payment of a just proportion of the organization and preliminary expenses originally incurred by the district; and, no such county or city and county, or portion of either, shall be admitted without first complying with such terms.

CHAPTER 388.

An act to amend sections four and six of an act entitled "An act to provide for the formation, management, and dissolution of county fire protection districts, and annexations thereto, setting forth the powers of such districts and providing for levying and collecting taxes on property in such districts to defray the expenses thereof," approved May 23, 1923, and to add two new sections to said act to be numbered ten a and ten b, relating to organization and exclusion of territory and to service outside of district.

[Approved by the Governor May 23, 1925.]

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

Stats. 1923,
p. 432,
amended.

SECTION 1. Section four of an act entitled "An act to provide for the formation, management, and dissolution of county fire protection districts, and annexations thereto, setting forth the powers of such districts and providing for levying and collecting taxes on property in such districts to defray the expenses thereof," approved May 23, 1923, is hereby amended to read as follows:

Election
when written
objections
filed.

Sec. 4. If no written objections have been made, upon the adoption of said resolution by said board of supervisors, said county fire protection district shall be deemed established and organized under the provisions of this act. If written objections signed by twenty-five freeholders, within the district, have been made, then the board shall submit to a vote of the qualified electors of such proposed district the ratification of the resolution of said board declaring such district established. Said election shall be called by resolution in which the board shall set forth the date of said election, which shall be at least twenty days after the adoption of such resolution, shall designate one or more precincts within the boundaries of said proposed district, shall designate a polling place in each precinct and the names of the election officers, who shall be one inspector, one judge and one clerk for each precinct. In all other particulars not recited in said resolution such election shall be held as provided by law for holding general elections in such county, except that no notice of such election other than the publication of such resolution need be given. The resolution ordering the holding of such election shall, prior to the date thereof, be published once a week for two successive weeks in the newspaper of general circulation in said proposed

Notice.

district deemed by said board to be the most likely to give notice to the electors thereof of such proposed election. Such notice of election shall contain a description of the district declared by the board of supervisors to be a county fire protection district. The ballots used at such election need not contain a description of such district but shall contain in substance the proposition as follows: "Shall the resolution of the board of supervisors of the ----- day of -----, 192----, that the ----- county fire protection district be established, be ratified?" and opposite said proposal shall be printed the words "Yes" and "No", together with voting squares. If at such election a majority of the votes cast ratify the declaration of said board, then the board of supervisors shall enter a finding to that effect upon its minutes and thereafter said district shall be deemed to be established and organized as a county fire protection district.

Conduct of election.

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

Stats. 1923, p. 433, amended.

Sec. 6. The title to all property which may have been acquired for a county fire protection district, created under the provisions of this act, shall be vested in the county wherein such county fire protection district is located. Whenever all of the territory in such county fire protection district shall be annexed to, or otherwise included within, any municipal corporation, then such county fire protection district shall be deemed dissolved and such property shall thereupon become the property of such municipal corporation. All money in the county treasury to the credit of any fund of such county fire protection district shall, upon the annexation or inclusion of such territory, as above noted, be forthwith transferred to the treasury of said municipal corporation and be used for the purposes for which the same was available prior to such transfer and none other. Whenever all of the territory of a county fire protection district shall be included within two or more municipalities or whenever the major portion of the territory of a county fire protection district shall be incorporated in or annexed to any municipality or municipalities, then such county fire protection district shall be deemed dissolved and the board of supervisors shall apportion the property of said district and the unexpended district funds between said municipalities or between any such municipalities and the county, where part of the territory of such district is outside of any municipality, in proportion to the respective assessed valuations of the property within said municipalities or in proportion to the assessed valuation of the property within and without a municipality or municipalities.

Title to property.

Disposition upon annexation to city.

SEC. 3. A new section is hereby added to said act, to be numbered ten a, to read as follows:

Stats. 1923, p. 434, amended.

Sec. 10a. Any portion of a county fire protection district which will not be benefited by remaining within such district may be withdrawn therefrom as in this section provided. Upon receiving a petition signed by fifty or more freeholders

Withdrawal of territory not benefited.

within the portion desired to be withdrawn from any county fire protection district, or by a majority of such freeholders, if there are less than one hundred freeholders within the portion sought to be withdrawn, requesting the withdrawal of such portion from the district on the ground that such portion will not be benefited by remaining in said district, the board of supervisors shall fix a time for the hearing of such petition and for hearing protests to the continuance of the remaining territory as a county fire protection district, which shall not be less than ten days, nor more than thirty days after the receipt thereof. The said board shall, at least a week prior to the time so fixed, publish a notice of such hearing by one insertion in a newspaper circulated in said district, which the board deems most likely to give notice to the inhabitants thereof of the proposed withdrawal.

Any person interested may appear at said hearing and object to the withdrawal of said portion from said district, or may object to the continuance of the remaining territory as a county fire protection district, and the board of supervisors shall consider all objections and shall pass upon the same, and if it finds that said portion of the district sought to be withdrawn will not be benefited by remaining within said district, and that the territory not sought to be withdrawn will be benefited by continuing as a county fire protection district, then it shall grant said petition. Upon the withdrawal of any territory from a county fire protection district, as in this section provided, all property acquired for the district shall remain vested in the county and be used for the purposes of the district.

Stats. 1923,
p. 434,
amended.

Assistance
to and by
other
districts.

SEC. 4. A new section is hereby added to said act to be numbered ten *b*, to read as follows:

Sec. 10*b*. Whenever a fire occurs within the limits of any county fire protection district and is of such proportions that it can not be adequately extinguished or handled by the fire department of such district, or whenever a fire occurs in any unincorporated territory of a county not included within a county fire protection district, the apparatus, equipment and fire fighting force of any county fire protection district within said county may be used for the purpose of extinguishing such fire in such other county fire protection district, or in such unincorporated portion of the county; *provided*, that in either case there shall be paid from the general fund of the county into the fund of the district furnishing such services the reasonable value of the use and the repairs and depreciation upon said apparatus and equipment, and such other expenses as are reasonably incurred in furnishing such fire fighting services.

CHAPTER 389.

An act to amend section three thousand four hundred forty of the Civil Code providing for the sale of stock of trade involved and providing for the liability of any auctioneer selling said stock.

[Approved by the Governor May 23, 1925.]

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

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

3440. Every transfer of personal property, other than a thing in action, or a ship or cargo at sea or in a foreign port, and every lien thereon, other than a mortgage, when allowed by law, and a contract of bottomry or respondentia, is conclusively presumed if made by a person having at the time the possession or control of the property, and not accompanied by an immediate delivery, and followed by an actual and continued change of possession of the things transferred, to be fraudulent, and therefore void, against those who are his creditors while he remains in possession, and the successors in interest of such creditors, and against any persons on whom his estate devolves in trust for the benefit of others than himself, and against purchasers or encumbrancers in good faith subsequent to the transfer; *provided, however*, that the provisions of this section shall not apply to the transfers of wines in the wineries or wine cellars of the makers or owners thereof, or other persons having possession, care, and control of the same, and the pipes, casks, and tanks in which the said wines are contained, which transfers shall be made in writing, and certified and verified in the same form as provided for chattel mortgages, and which shall be recorded in the book of miscellaneous records in the office of the county recorder of the county in which the same are situated; *provided*, also, that the sale, transfer or assignment of a stock in trade, in bulk, or a substantial part thereof otherwise than in the ordinary course of trade and in the regular and usual practice and method of business of the vendor, transferor, or assignor, and the sale, transfer, assignment or mortgage of the fixtures or store equipment of a baker, cafe or restaurant owner, garage owner, machinist, or retail or wholesale merchant, will be conclusively presumed to be fraudulent and void as against the existing creditors of the vendor, transferor, assignor or mortgagor, unless at least seven days before the consummation of such sale, transfer, assignment or mortgage, the vendor, transferor, assignor or mortgagor or the intended vendee, transferee, assignee, or mortgagee, shall record in the office of the county recorder in the county or counties in which the said stock in trade, fixtures or equipment are situated a notice of said intended sale, transfer, assignment or mortgage, stating the name and address of the intended vendor, transferor, assignor or mortgagor,

Transfers
presumed
fraudulent.

Transfers
of wines.

Bulk
sales.

Public
auctions.Transfers
under
order of
court.

and the name and address of the intended vendee, transferee, assignee or mortgagee, and a general statement of the character of the merchandise or property intended to be sold, assigned, transferred or mortgaged, and the date when and the place where the purchase price or consideration, if any there be, is to be paid; *provided, nevertheless*, that if such intended sale is to be at public auction the notice above required to be recorded shall state that fact, the time, terms, and place of said sale, the names and addresses of the vendor and auctioneer, and a general statement of the character of the merchandise or property intended to be sold; but such sale shall in no event occur within seven days of the date of recordation of said notice; and any auctioneer selling said stock in trade or fixtures and store equipment of a baker, cafe or restaurant owner, garage owner, machinist, or retail or wholesale merchant shall be personally liable for all damages incurred by any creditor of said merchant in the event said notice is not recorded as aforesaid; *provided, further*, that the provisions of this section shall not apply or extend to any sale, transfer, assignment or mortgage of the fixtures or store equipment of a baker, cafe or restaurant owner, garage owner, machinist, or retail or wholesale merchant made under the direction or order of a court of competent jurisdiction or by any executor, administrator, guardian, receiver, or other officer or person acting in the regular and proper discharge of official duty, or in the discharge of any trust imposed upon him by law, nor to any transfer or assignment, statutory or otherwise, nor to any mortgage or chattel mortgage made for the benefit of creditors generally, nor to any sale, transfer, assignment or mortgage of any property exempt from execution.

CHAPTER 390.

An act appropriating the sum of three hundred thousand dollars for the completion of construction and equipment and furnishing state buildings in the city of Sacramento for state purposes.

[Approved by the Governor May 23, 1925.]

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

Appropriation
work
on Sacra-
mento state
buildings.

SECTION 1. The sum of three hundred thousand dollars, or so much thereof as shall be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be expended in completing the construction, equipment and furnishings of state buildings in the city of Sacramento for state purposes, for laying out and beautifying the grounds, and also for the rearrangement of the state capitol building. This appropriation is in addition and supplemental to the funds heretofore provided for that purpose by an act entitled "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," approved June 5, 1913.

CHAPTER 391.

An act appropriating money for the erection of buildings for boys requiring special custodial care, for service connections, furnishings and equipment for the same at the Preston School of Industry.

[Approved by the Governor May 23, 1925.]

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

SECTION 1. The sum of two hundred 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 erection of buildings for boys requiring special custodial care, for service connections, furnishings and equipment for the same at the Preston School of Industry.

Appropriation: Improvements at Preston.

CHAPTER 392.

An act to amend section one thousand six hundred eight of the Political Code, relating to the powers and duties of boards of school trustees and city boards of education.

[Approved by the Governor May 23, 1925.]

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

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

1608. Boards of school trustees and city boards of education shall have power, and it shall be their duty:

Powers and duties of school boards.

First—To manage and control school property within their districts, and to pay all moneys received by them or collected by them from any source whatever, 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.

Second—Except as otherwise provided in this code, to purchase school furniture, including musical instruments, and apparatus, and such other articles as may be necessary for the use of schools; *provided*, that, except in city school districts governed by boards of education, they shall purchase such

books and apparatus only as have been adopted by the county board of education.

Third—To furnish, repair and insure and, in their discretion rent, 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. When the school enrollment of any school is such as to cause overcrowded school-rooms, then boards of school trustees and city boards of education shall have power to make arrangements for the location of schools in temporary quarters. These quarters may be procured for a consideration, or at a rental, or by the construction of temporary buildings on school property. The boards of school trustees and city boards of education shall also have power to rent suitable quarters for administrative offices for a period not to exceed five years.

Fourth—When directed by a vote of their districts to build schoolhouses or to purchase or sell school lots.

Fifth—To receive in the name of the district conveyances for all property received and purchased by them, and to make in the name of the district conveyances of all property belonging to the district and sold by them.

Sixth—Boards of school trustees and city boards of education shall have power to, and may in their discretion, sell to the highest bidder for cash any personal property belonging to their respective districts not required for school purposes, after notice given by publication in a newspaper of general circulation published in the county for a period of not less than two weeks, or by posting such notice in at least three public places in the district for not less than two weeks; *provided, however*, that if in the unanimous judgment of the board the property does not exceed in value the sum of two hundred dollars the same may be sold at private sale without advertising, by any member of the board empowered for that purpose by the majority vote thereof.

Seventh—Boards of school trustees and city boards of education shall have power to, and may in their discretion, grade, pave, sewer, or otherwise improve streets and other public places in front of real property owned or controlled by them, and appropriate money to pay the cost and expense of such improvements whether made by said boards, under contracts executed by said boards, or under contracts made in pursuance of any of the general laws of the state respecting street improvements, or under contracts made in pursuance of the charter of any municipality; and said boards shall have power to, and may in their discretion, appropriate money to pay assessments, for the improvement of streets or other public places, levied against any real property owned by, or under the control of said boards, when said property is included within an assessment district formed in pursuance of any general law of the state or under the charter of any municipality.

CHAPTER 393.

An act to amend the title of and revise an act entitled "An act to provide for work in and upon highways, streets, avenues, lanes, courts, places and sidewalks in the unincorporated territory of counties and upon property and rights of way owned by counties and for establishing and changing the grades of highways, streets, avenues, lanes, alleys, courts, places and sidewalks, and providing for the issuance and payment of highway improvement bonds to represent certain assessments for the cost thereof, and providing a method for the payment of such bonds," approved June 3, 1921, and to include therein provisions for work in, under and upon and for establishing and changing the grades of highways, roads, streets, avenues, boulevards, lanes, alleys, courts, places and parks within municipalities, whenever necessary or proper to complete or connect with any work outside thereof, together with any of the same which may form the exterior boundary of a municipality, where such municipality joins unincorporated territory of the county whether they lie wholly or partly within or without the boundaries of such municipality and in, under and upon any publicly owned property and rights of way whether within or without a municipality, and in and upon any property and rights of way of which the county has possession and right of use under the provisions of section fourteen of article one of the constitution of the State of California; for the issuance, payment and enforcement of improvement bonds to represent certain assessments for the cost thereof and a method for the payment of such bonds; for the formation, management and dissolution of districts to be assessed to pay the expenses of the maintenance and operation of improvements constructed hereunder, and the assessing, levying and collecting of special assessment taxes to pay such expenses; and for county aid in all of such work.

[Approved by the Governor May 23, 1925.]

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

SECTION 1. The title of that certain act entitled "An act to provide for work in and upon highways, streets, avenues, lanes, courts, places and sidewalks in the unincorporated territory of counties and upon property and rights of way owned by counties, and for establishing and changing the grades of any such highways, streets, avenues, lanes, courts, places and sidewalks, and providing for the issuance and payment of highway improvement bonds to represent certain assessments for the cost thereof, and providing a method for the payments of such bonds," approved June 3, 1921, is hereby amended to read as follows:

Stats. 1921,
p. 1658,
amended.

An act to provide for work in, under and upon highways, roads, streets, avenues, boulevards, lanes, alleys, courts, places

New title

and parks in unincorporated territory of counties and any of the same lying within municipalities, whenever necessary or proper to complete or connect with any work outside thereof, and any of the same forming the exterior boundaries of any municipality, where such municipality joins unincorporated territory of the county, whether partly or wholly within or without the boundaries of such municipality, and in, under and upon all publicly owned property and rights of way, whether within or without municipalities, and in, under and upon any property and rights of way of which the county has possession and right of use under the provisions of section fourteen of article one of the constitution of the State of California, and for establishing and changing the grades of such highways, roads, streets, avenues, boulevards, lanes, alleys, courts, places and parks; to provide for the issuance, payment and enforcement of improvement bonds to represent certain assessments for the cost thereof and a method for the payment of such bonds; to provide for the formation, management and dissolution of districts to be assessed to pay the expenses of the maintenance and operation of improvements constructed hereunder and the assessing, levying and collecting of special assessment taxes to pay such expenses; and to provide for county aid in all of such work.

SEC. 2. Said act is hereby revised to read as follows:

Highway
improvement
in unincorporated
territory.

Section 1. All highways, roads, streets, avenues, boulevards, lanes, alleys, courts, places and parks (hereafter in this act collectively designated as "public ways," which term shall mean and include any or all of the foregoing wherever it is used) now open or dedicated, or which may hereafter be opened or dedicated to public use in unincorporated territory of any of the counties of this state, and all public ways, now open or dedicated, or which may hereafter be opened or dedicated to public use, forming the exterior boundaries of any municipality of this state, where such municipality joins unincorporated territory of a county, whether such public ways be partly or wholly within or without the boundaries of such municipality, and all property for which an order to take immediate possession and use of a right of way thereover for a public use has been obtained from a court of competent jurisdiction in any action in eminent domain or proceeding for the laying out, opening, extending, widening or straightening, in whole or in part, or any public way, in compliance with the provisions of section fourteen of article one of the constitution of this state, shall be deemed and held to be open public ways for the purposes of this act, and the board of supervisors of each county is hereby empowered to establish and change the grade or grades of any or all of such public ways and to fix the width thereof, and is hereby invested with jurisdiction and power to order to be done in, under or upon the whole or any portion of any or all of such public ways and in, under or upon all publicly owned property and rights

of way, any work or improvement of the character mentioned in that act of the legislature known as the "improvement act of 1911," which work or improvement shall be done in accordance with the procedure and in pursuance of the provisions of said improvement act, and the provisions of said improvement act are hereby adopted by reference for the purposes of this act; *provided*, that certain words used in said improvement act shall, for the purposes of this act, be construed as follows: The words "city" and "municipality" shall be construed as referring to "county"; the words "city council" as referring to "board of supervisors"; the word "mayor" as referring to the "chairman of the board of supervisors"; the word "clerk" as referring to "county clerk"; the words "council chambers" as referring to the "chambers of the board of supervisors"; the words "city treasurer" as referring to "county treasurer"; the words "street superintendent" and "city engineer" as referring to "county surveyor", and all words relating to municipal officers and matters as referring to the corresponding county officers and matters under this act; *provided*, that the board of supervisors may appoint any competent county officer, other than the county surveyor, without compensation, as the officer to perform any or all of the duties conferred upon the street superintendent or city engineer in said improvement act; *provided, further*, that said board may appoint an engineer of work, in which event the duties to be performed by the city engineer as set forth in the improvement act of 1911 shall be performed by said engineer of work, whose compensation and expenses shall constitute an incidental expense in the cost of said work. Said board may provide that the work shall be done under his direction and to his satisfaction and that the materials used shall comply with the specifications and be to the satisfaction of such engineer of work instead of said county surveyor and may provide that he shall make and sign the assessment instead of the county surveyor. The contract shall nevertheless be entered into with the county surveyor and the assessment and warrant when confirmed shall be recorded in the office of said county surveyor.

Said board of supervisors shall also have jurisdiction and power to include in the same proceeding and under the same provisions of law and to order, with any of the work aforesaid, any work of the same kind or kinds upon any one or more public ways or publicly owned property or rights of way within any one or more municipalities whenever in the judgment of said board such work therein is necessary or proper to complete or connect with any work outside thereof; *provided*, that the consent of the legislative body of such municipality, expressed by resolution, shall first be obtained for the use for such purpose of such public ways or publicly owned property or rights of way within such municipality, and such consent shall likewise be obtained for the doing of work upon any public way forming the exterior boundary of a munic-

ipality, where such municipality joins unincorporated territory of the county, if the whole or a part of such public way lies within the boundaries of such municipality.

Other public improvements in unincorporated territory.

Sec. 2. If any improvements for lighting purposes, for fire protection purposes, for the purpose of improving by the planting of trees, shrubs or other ornamental vegetation, for sanitary purposes, for drainage purposes, for domestic water supply or distribution purposes, or any or all of such purposes shall be constructed under the provisions of this act, or any or all of such improvements are contemplated to be constructed under the provisions of this act, the board of supervisors may, in its resolution declaring its intention to order work done or improvements made, also declare its intention to order that the expenses of maintaining and operating any or all of said improvements, including the cost of necessary repairs, replacements, fuel, power, care, supervision, and all other items necessary for proper maintenance and operation, shall be assessed, either partly or wholly, upon the lands lying within the district to be benefited by and to be assessed to pay the cost of the construction of the same, the amounts so assessed to be levied and collected in the same manner and by the same officers as taxes for county purposes are levied and collected. Said resolution may describe the boundaries of the district to be assessed for such maintenance and operation (which district shall hereafter in this act be designated and referred to as the maintenance district) as being the same boundaries as those of the district to be assessed for the cost of constructing said improvements, which district may be designated by a name by which it may thereafter be referred to in all subsequent proceedings, including proceedings for the levy and collection of taxes.

Protests.

At any time not later than the hour for hearing objections to the proposed work as provided in said improvement act of 1911, any person permitted by the provisions of said act to make written protest against the proposed work, or against the extent of the district to be assessed therefor, or both, may make like protest and in like manner against the ordering of the formation of the maintenance district or against the extent of said maintenance district, or both, at the time set for hearing protests, as prescribed in the said act. The board of supervisors, in addition to hearing protests against the proposed work or improvement and the extent of the district to be assessed therefor, shall hear and pass upon all protests against the formation of the maintenance district and against the extent thereof, and its decision shall be final and conclusive; *provided*, that when the board of supervisors finds that the protest against the formation of the maintenance district is made by the owners of more than one-half of the area of the property included within such district, no further proceeding shall be taken for a period of six months from the date of the decision of the board of supervisors on said hearing, unless the said protests be overruled by an affirmative vote of four-

fifths of the members of the board of supervisors. The board of supervisors may adjourn said hearing from time to time.

In the event that the board of supervisors, in its resolution **Notice.** of intention, shall declare its intention to order a maintenance district formed, the notice of improvement provided for by said improvement act of 1911 shall likewise give notice of such declaration of intention and that protests against the same may be filed and will be heard in accordance with the provisions of this act.

The board of supervisors shall be deemed to have acquired **Order.** jurisdiction to order that such a maintenance district be formed to be assessed to pay the cost of maintaining and operating the improvement constructed, at the same time and in the same manner prescribed in the said improvement act of 1911 for the acquiring of jurisdiction to order the construction of the proposed improvements, and it may thereupon order the formation of such a maintenance district for such purpose, which order may be contained in the resolution ordering the construction of the improvements.

Thereupon a copy of said resolution ordering the formation **Tax for maintenance.** of the maintenance district shall be filed in the office of the county assessor and the county assessor shall thereafter, in making up the assessment roll, segregate the property included within such district on the assessment roll, under the designation contained in said resolution. The board of supervisors shall thereafter, in each year, prior to the time of fixing the county tax rate, estimate the cost of maintaining and operating the said improvements to be maintained and operated within said district during the ensuing year. Said board shall decide whether or not the cost of the same shall be borne wholly or partially by the said maintenance district and shall, in addition to all other taxes, fix a special tax rate for the lands within said assessment district sufficient to raise an amount of money to cover the expense of maintaining said improvements during the ensuing year, or such portion of said amount as the board of supervisors shall determine shall be borne by said district, and the board of supervisors shall levy a special assessment tax each year upon the lands in such district sufficient to pay such expense or said portion of such expense. Such special assessment tax shall be levied and collected at the same time and in the same manner as the general tax levy for county purposes and when collected shall be paid into the county treasury to the credit of the fund of such maintenance district and be used for the payment of the expenses of such district, and said board shall have the power to control and order the expenditure thereof for said purposes.

The maintenance district in this section provided for may include property lying within an incorporated city or cities, provided that the consent of the legislative body of such incorporated city or cities, expressed by resolution, to the formation of such district shall first be obtained before the resolution of intention is adopted by the board of supervisors.

Powers and duties of supervisors.

Sec. 3. The board of supervisors of the county in which a maintenance district is formed shall have power and it shall be its duties to make and enforce all rules and regulations necessary for the administration, operation and government of such district, to execute all contracts and make all necessary provisions for the maintenance and operation of the same, to appoint and employ all necessary agents, superintendents, engineers and labor for the proper performance of the work and to do and perform all other acts or things necessary or proper to accomplish the purposes of this act. All contracts shall be let to the lowest responsible bidder. Said board shall advertise for two or more days in a newspaper of general circulation published in such county inviting bids for furnishing labor, material or supplies before any contract shall be made therefor. The board shall have the right to require such bonds as it may deem adequate from the successful bidder, to secure the faithful performance of the contract and the payment of all claims for labor and materials, and shall also have the right to reject any and all bids; *provided, however,* that nothing herein shall be construed as prohibiting the county itself from doing and when ordered by the board of supervisors of the county, such disposition to be between the work contemplated herein and to purchase the materials and supplies and employ the labor necessary for such purpose.

Title to and disposition of property.

Sec. 4. The title to all property acquired by such district shall be vested in the county; *provided,* that upon the dissolution of such district by reason of all of its territory being included within a municipality such property shall thereupon become the property of such municipality, and if all of such district be included within more than one municipality then such property shall be subject to the disposition of the board of supervisors of the county; such disposition to be between the several municipalities in such manner as to said board shall appear most just and equitable.

Dissolution of maintenance district.

Sec. 5. Any such maintenance district formed under this act may be dissolved by the board of supervisors, as hereinafter provided, upon receiving a petition signed by the owners of more than one-half of the area of property included within 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 all objections and protests 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 resolution, order the dissolution of said district and such district shall thereby be dissolved; *provided, however,* that the main-

tenance and operation of the improvements of such district may be continued thereafter until the funds collected for the purpose of maintaining and operating the same have been expended for such purpose.

Upon the inclusion of all of the territory of such a maintenance district within one or more incorporated cities, either by reason of annexation proceedings or by reason of the incorporation of one or more cities, all funds paid into the county treasury to the credit of such district shall be paid over by the board of supervisors of such district as follows: If the whole of such district is so included within one incorporated city, such funds shall be paid to the treasurer of said incorporated city and administered by the legislative body of said incorporated city for the benefit of said district and said district shall thereupon, by reason of such inclusion, be dissolved; if a part only of such district is so included within one incorporated city and the remaining part of such district is so included within one or more other incorporated cities, so that no portion of the district remains within unincorporated territory of the county, then such proportionate part of such funds shall be paid to the treasurer of each such incorporated city as the area of the portion of the district included therein bore, before being so included, to the total area of the district, and such funds shall be administered by the legislative bodies of said incorporated cities for the benefit of said district and said district shall thereupon, by reason of such inclusion, be dissolved. If less than the whole of such a district shall be included within one or more incorporated cities either by reason of annexation or by reason of incorporation proceedings, the district shall continue in existence and shall continue to function without being affected thereby unless the same shall be dissolved upon petition as in this act provided, and the fact that a portion or portions of such district is so included within one or more incorporated cities shall not deprive the board of supervisors of the right to levy the special assessment tax herein provided upon the lands therein for the purpose of maintaining the improvements of said district.

Effect of annexation.

Sec. 6. The board of supervisors may determine that the whole or any part of the cost and expenses of constructing the improvements mentioned in this act, or of the expenses of the maintenance district, or both, shall be paid out of the treasury of the county, and 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 said improvements shall be constructed or from any other fund of the county from which expenditures may be made for improvements and work of like character as those permitted to be made and done under this act. Said board may also purchase all or any part of the materials to be used in constructing any of said improvements and furnish the same therefor, said purchase to be made from any of the funds above mentioned. If the county has a pur-

County may bear expense and do work.

chasing agent, the materials shall be purchased by him; otherwise said materials shall be purchased by the board of supervisors by contract let to the lowest responsible bidder after notice calling for bids has been published at least five days in a newspaper of general circulation in the county. If the county is to furnish materials or contribute towards the said costs and expenses, the resolution of intention shall so provide. When such provision is made, the execution of the contract for the improvements shall create a liability on the part of the county to furnish the materials or make the contribution provided for in said resolution.

Lands that may be taxed for improvements.

Sec. 7. Whenever any work or improvement is done or made under the provisions of this act, whether it be in, under or upon public ways or publicly owned property or rights of way lying exclusively within unincorporated territory of a county, or in, under or upon any public way, or publicly owned property or rights of way within a municipality, or in, under or upon any public way forming the exterior boundary of a municipality, where such municipality joins unincorporated territory of the county, whether partly or wholly within or without the boundaries of such municipality, the lands to be assessed for the construction of such work or improvement, or for the maintenance and operation thereof, or both, may include lands lying within the boundaries of any municipality benefited thereby, and all of such lands may be assessed and taxed therefor, under the procedure prescribed by this act, the same as though such lands were situated exclusively in the unincorporated territory of the county, and with the same effect.

Names and grades of public ways.

Sec. 8. The board of supervisors may, by resolution, adopt a name for any public way to be improved under this act, for which a name has not been provided under the provisions of section two thousand six hundred thirty-six of the Political Code, and may, by resolution, change the name of any such public way heretofore established, and the board of supervisors may also, by resolution, establish the official grade of any such public way for which no official grade has theretofore been established by ordinance or resolution, and the words "official grade" as used in the improvement act of 1911, except where the official grade is established, changed or modified under the proceedings provided in said act, which method may also be followed under this act, shall mean the grade so established by resolution of the board of supervisors.

Improvement bonds.

Sec. 9. In addition to the provisions of the improvement act of 1911 for the issuance, sale, enforcement and collection of bonds for the work contemplated by this act, which may be used in proceedings under this act, the board of supervisors shall have power, in its discretion, (as an alternative and additional method) to determine that serial bonds shall be issued to represent and be secured by the assessments which shall be made to pay the cost of any work or improvement done under this act in the manner and form provided by an

act of the legislature of the State of California entitled "An act to provide for the issuance of improvement bonds to represent and be secured by certain assessments made for the cost of certain work and improvements made in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities and upon property and rights of way owned by municipalities, to provide for the collection of such assessments, the sale of the property affected thereby, and for the payment of the bonds so issued," approved June 11, 1915 (known as the "improvement bond act of 1915"), as amended, and as the same shall hereafter be amended, and whenever the board of supervisors shall determine that bonds shall be issued under said act it shall so declare in the resolution if intention to do the work and shall specify the rate of interest which said bonds shall bear. The said improvement bond act of 1915 and all amendments thereto are hereby incorporated in and adopted by reference as a part of this act for the purposes above set forth; *provided*, that certain words used in said act shall, for the purposes of this act, be construed as follows: The words "city" and "municipality" shall be construed as referring to "county"; the words "city council" as referring to "board of supervisors"; the words "city treasurer" as referring to "county treasurer"; the words "city clerk", "clerk of the city council" and "clerk" as referring to "county clerk"; the words "street superintendent" as referring to "county surveyor" or such other competent county officer as may be appointed by the board of supervisors to perform the duties imposed upon the "street superintendent" and "city engineer"; the words "auditor" and "city auditor" as referring to "county auditor"; the words "tax collector" as referring to "county tax collector", and all words relating to municipal officers and matters as referring to the corresponding county officers and matters under this act.

Sec. 10. The "improvement act of 1911", when referred to in this act, shall mean that act of the legislature entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places and sidewalks, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof and providing a method for the payment of such bonds". approved April 7, 1911, as amended, and as the same shall hereafter be amended. Act of 1911 referred to.

Sec. 11. The provisions of this act shall be liberally construed to effect the objects thereof. This act may be designated and referred to as the county improvement act of 1921. Construction.

CHAPTER 394.

An act to amend an act entitled "An act to regulate the work and hours of employees engaged in selling, at retail, drugs and medicines, and compounding physicians' prescriptions, and providing a penalty for the violation thereof," approved February 28, 1905, as amended, regulating the work and hours of duty of registered pharmacists.

[Approved by the Governor May 23, 1925.]

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

Stats. 1905, p. 28, 1907, p. 273, and 1921, p. 1324, amended.

SECTION 1. An act entitled "An act to regulate the work and hours of employees engaged in selling, at retail, drugs and medicines, and compounding physicians' prescriptions, and providing a penalty for the violation thereof," approved February 28, 1905, as amended, is hereby amended to read as follows:

Hours of labor for drug clerks.

Section 1. As a measure for the protection of public health, no person employed by any person, firm or corporation to sell, at retail, drugs and medicines, or to compound physicians' prescriptions, shall perform any work in any store, dispensary, pharmacy, laboratory or office for more than an average of nine hours per day or for more than one hundred eight hours in any two consecutive weeks nor on more than thirteen days in such two consecutive weeks.

Employer's duty.

Sec. 2. No person, firm or corporation employing another person to sell, at retail, drugs and medicines, or to compound physicians' prescriptions shall require or permit said employed person to perform any work in any store, dispensary, pharmacy, laboratory or office for more than an average of nine hours per day, or for more than one hundred eight hours in such two consecutive weeks; provided, however, that any licentiate or registered assistant pharmacist so employed may be so employed, and may perform such work for the full period of time permitted by this section; provided, however, that the periods of rest to be taken by the employee must be so apportioned that the employee shall be entitled to one complete day of rest during one of such weeks, and to two half-day periods in the other of such weeks; but nothing herein contained shall prevent the employer from granting to the employee a complete day of rest during each of such weeks.

Penalty.

Sec. 3. Any person, firm or corporation violating any of the provisions of this act shall be deemed guilty of a misdemeanor and shall be punished therefor by a fine not less than twenty dollars nor more than fifty dollars or by imprisonment, for not exceeding sixty days, or by both such fine and imprisonment at the discretion of the court; provided, however, that the provisions of this act shall not apply in any case of emergency. The word "emergency" as used herein shall be construed as being accident, death, sickness or epidemic.

Emergencies.

Sec. 4. The commissioner of the state bureau of labor Enforcement. statistics is hereby authorized, directed and empowered to enforce the provisions of this act.

Sec. 5. All acts or parts of acts inconsistent with the pro- Repealed. visions of this act are hereby repealed.

CHAPTER 395.

An act to provide for the establishment, organization, powers and government of municipal port districts and to define the powers and duties of the officers thereof; to provide for the acquisition and construction of harbor works and improvements, railroad and water transfer and terminal facilities, and for the acquisition of property therefor, by municipal port districts and by the municipal corporations included therein, and for defraying the cost and expense thereof by such districts and by such municipal corporations; to provide for the development, operation, maintenance, improvement and management of harbors and other waters and for the promotion and accommodation of commerce, navigation and fishery by such districts; to authorize the incurring of indebtedness, the issuance of bonds and the levy and collection of taxes by such districts; and to authorize municipal corporations in such districts to surrender and transfer certain municipal powers and to grant certain municipal property to such districts for the purpose of carrying out the objects and purposes of this act.

[Approved by the Governor May 23, 1925.]

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

SECTION 1. A municipal port district for the acquisition Organization and construction of harbor works and improvements, includ- authorized. ing railroad and water transfer and terminal facilities, for the development, operation, maintenance, control, regulation and management of harbors and other waters, and for the promotion of commerce, navigation and fishery by such districts may be established, organized and governed as in this act provided, and may exercise the powers herein expressly granted. A municipal port district shall include municipal Territory corporations only, but no municipal corporation shall be included. divided in the formation thereof. Whenever any other municipal corporation is consolidated with, or whenever any unincorporated territory is annexed to, a municipal corporation that is already included in a municipal port district, such municipal corporation so consolidated and such unincorporated territory so annexed, shall by virtue of such consolidation or annexation become a part of such municipal port district.

SEC. 2. Two or more municipal corporations situated Cities that in the same county, each of which is contiguous to the other, may es- or to one of the others, and within the corporate limits of tablish.

Ordinance
of intention.

which, or any one of which, is included in whole or in part any harbor, bay, inlet, arm of the sea, estuary, or other waters, may join in the establishment of a municipal port district. When any two or more municipal corporations desire to establish a municipal port district under the provisions of this act, the legislative body of each such municipal corporation, at a regular meeting thereof, shall pass an ordinance of intention declaring that the public interest requires the establishment by such municipal corporation, jointly with any other municipal corporation or corporations (naming the same), of a municipal port district under the provisions of this act, to comprise its territory with that of the other or others, and that it is the intention of such legislative body to initiate proceedings for the establishment of such municipal port district. Such ordinance shall state the name of the proposed district which shall include the words "Municipal port district" and shall describe the exterior boundaries of the harbor or harbors, or other waters, and of the water front, tidelands, submerged lands or other lands included therein or adjacent thereto, within the limits of such municipal port district, proposed to be improved, operated, maintained, and managed by the proposed municipal port district. Such ordinance shall provide for the submission by the legislative body of such municipal corporation to the qualified electors thereof of the proposition of establishing such municipal port district, at a special election as hereinafter provided. Such ordinance shall also provide that such municipal port district shall be managed and controlled by a board of port commissioners and that the powers of such port district shall be exercised and the business and affairs thereof conducted by such board, and also the number and the method of appointing, electing or removing the members of the board of port commissioners, their qualifications and the time at which the term for which and the manner in which they shall be elected or appointed. It shall also provide the manner of voting and the votes necessary for any action by said board, and the commissioners necessary to concur therein, except wherein more than a majority vote is required by this act. The lands and waters so described in such ordinance, in the event that such district is established, shall be known as the harbor district of the municipal port district, and is hereinafter designated and referred to as the harbor district.

Harbor
district.

Initiative
proceedings.

SEC. 3. The ordinance of intention mentioned in section two of this act, may also be adopted by each such municipal corporation pursuant to initiative proceedings provided by the charter thereof, or in the event that no such proceedings are provided for therein, or when any such municipal corporation is not governed under a charter, then such ordinance of intention may be adopted by proceedings had and taken in accordance with general law providing for the initiative in municipal corporations.

SEC. 4. Within thirty days after the ordinance of intention has become effective in the municipal corporation last adopting the same, but not until such ordinance of intention has become effective in all of the municipal corporations named in such ordinance, the legislative body of each such municipal corporation shall cause a notice to the electors thereof to be published or posted, containing a copy of such ordinance, together with a statement that the proposition of establishing the municipal port district contemplated thereby will be submitted to the qualified electors of such municipal corporation at a special municipal election to be held in such municipal corporation on a date to be designated in such notice, which date shall not be less than thirty (30) nor more than ninety (90) days after the first publication or posting of such notice. Such proposition shall be specified in such notice substantially in the following form: "Shall a municipal port district comprising the cities of (stating the names of the cities) be established?"

Notice of submission of question of establishment.

The publication of the notice herein required shall be made in each of the several municipal corporations respectively to be included in the proposed municipal port district for at least ten consecutive times in a daily newspaper of general circulation, printed, published and circulated therein, or if no such daily newspaper is printed, published and circulated in any such municipal corporation, then such publication may be made for at least two consecutive times in a weekly newspaper of general circulation printed, published and circulated therein. If no such daily or weekly newspaper is so printed or published in any such municipal corporation, such notice shall be conspicuously posted by the city clerk thereof in three of the most public places in such municipal corporation. A newspaper published six days a week shall be deemed to be a daily newspaper within the meaning of this section. Unless all of said municipal corporations shall have adopted such ordinance of intention within six months from the date of the taking effect of such ordinance of intention first adopted, said proceedings shall be deemed and taken as void and of no effect; *and, provided further*, that until all of such municipal corporations shall have so adopted such ordinance and the certificate provided in section five hereof to be filed with the secretary of state has been so filed, said proceedings shall not be deemed or taken as in any way affecting or limiting in any particular the municipal powers of the several municipal corporations so proposed to be included in such municipal port district.

Publication of notice.

SEC. 5. The special election mentioned in section four of this act, shall be held in each municipal corporation proposed to be included in a municipal port district on the date, as to each such municipal corporation, specified in the notice, mentioned in said section four, and shall be called by the legislative body of each of the several municipal corporations by ordinance, and notice thereof shall be given in the same

Submission of question of establishment.

manner provided by law for the holding of special elections in each such municipal corporation respectively. Such election shall, except as herein otherwise provided, be ordered held and conducted in each such municipal corporation, the returns thereof canvassed and the result thereof declared by the legislative body of each such municipal corporation in the manner provided by law for the holding of special elections therein.

In the event that any other election for any purpose shall be called and held in any municipal corporation proposed to be included in a municipal port district within ninety days after the first publication or the posting of the notice mentioned in section four of this act, the election at which such proposition is to be submitted may be consolidated with such other election by the legislative body of such municipal corporation in the manner provided for such consolidation, if the same is so provided for by law.

Ballots.

Upon the ballots to be used at such election in each municipal corporation there shall be printed the following words: "Shall a municipal port district comprising the cities of (stating the names of the cities) be established?" 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 proposition, and if an elector shall stamp a cross (X) in the voting square after the printed word "No", then the vote of such elector shall be counted against such proposition.

Register.

The register of records of registration of electors to be used at any election held in pursuance of this section shall be the same as provided by law for state or county elections in the county in which such proposed municipal port district is situated. It shall be the duty of the registrar of voters or other officer of such county having the custody of such register or records of registration, to furnish the same, with the proper indices thereto, to the city clerk of each municipal corporation in which such election is held at least five (5) days prior to the holding thereof.

**Canvass
of returns.**

Immediately upon the completion of the canvass of the returns of such election, the legislative body of each municipal corporation in which such election is held 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 total number of votes cast on such proposition in such municipal corporation, the number of votes so cast in favor of the establishment of the proposed municipal port district and the number of votes so cast against the same. Thereupon the city clerk of each such municipal corporation shall forthwith make a certificate of the result of such election as found and declared by the legislative body thereof and of the record of such canvass as entered upon the

minutes of such legislative body, and shall deliver such certificate to the legislative body of the largest municipal corporation proposed to be included in such municipal port district. The clerk of such largest municipal corporation shall likewise make and there shall be so signed, attested, and filed in his office a like certificate of the result of such election in such largest municipal corporation. Each such certificate shall be signed by the mayor or other chief executive officer of the government of such municipal corporation and attested by the city clerk under the seal thereof.

If it shall appear from the canvass of the returns of such election in each such municipal corporation, as shown by such certificates, that a majority of the electors voting on such proposition in each of the said municipal corporations has voted in favor of the establishment of the proposed municipal port district at the election at which such proposition was so submitted in each such municipal corporation respectively, the city clerk of the municipal corporation having the largest population shall promptly make a certificate of the result of such election in each such municipal corporation as shown by the certificates of the results thereof on file in his office, which shall be signed by the mayor or other chief executive officer of such municipal corporation and attested by the city clerk under the seal thereof. Such certificate shall show the date of such election in each municipal corporation and state the proposition submitted thereat. Said city clerk of said largest municipal corporation shall forthwith transmit the certificate last mentioned to the secretary of state of the State of California. Upon the filing of such certificate in the office of the secretary of state such municipal port district shall be deemed to be and shall be established under the provisions of this act with all the rights, privileges and powers set forth in this act. Upon the establishment of a municipal port district, no other municipal corporation shall thereafter join or be included therein except by first being consolidated with one of the municipal corporations already included in such municipal port district.

If proposition carries.

If it shall appear however, from the aforesaid canvass of the returns of such election in any such municipal corporation that a majority of the votes cast on such proposition therein were cast against the establishment of the proposed municipal port district, the proceedings therefor shall be deemed to fail entirely, and the certificate last mentioned need not be made or filed with the secretary of state.

If proposition is lost.

Sec. 6. Whenever the ordinance of intention mentioned in section two of this act has been adopted by any municipal corporation or corporations no other proceedings under this or any other act for the establishment of any other municipal port district or any other port or harbor district to include any municipal corporation included in such municipal port district shall be initiated until and unless the proposition of establishing such municipal port district shall have

Adoption of ordinance a bar.

been submitted to the electors of the municipal corporations proposed to be included therein, or the proceedings for the establishment of such a municipal port district shall have failed as hereinbefore provided.

Validity
of pro-
ceedings.

SEC. 7. No informality in procedure of informality in the conduct of any election for the establishment of a municipal port district, not affecting adversely the legal rights of any citizen, shall be held to invalidate the establishment of any municipal port district, and any proceedings wherein the validity of such establishment is denied shall be commenced within sixty days after the date of filing in the office of the secretary of state of the certificate mentioned in section five of this act, otherwise the establishment and legal existence of said port district and all proceedings in respect thereto shall be held to be valid in every particular and incontestable. Any such proceedings shall be brought in the superior court of the county where the municipal port district is situated. The court having jurisdiction shall speedily try the cause and determine upon the hearing whether such procedure or election was valid and in substantial compliance with this act and shall enter its judgment accordingly.

Relation of
district to
county.

SEC. 8. Nothing in this act contained shall prevent or be deemed to prevent the separation of any municipal corporation which has been included in a municipal port district from the county of which it was theretofore a part, and the formation of such municipal corporation into a consolidated city and county in the manner provided by the constitution and the laws of the State of California; nor shall any such separation or the formation of any such consolidated city and county in any manner affect or impair the existence, extent or powers of such municipal port district. Whenever the formation of any municipal corporation into such consolidated city and county shall have been effected, such consolidated city and county shall continue to be included in such municipal port district, as a municipal corporation, with the same force and effect as if such consolidated city and county had not been formed, and the provisions of this act applicable to municipal corporations included in such municipal port district shall apply to such consolidated city and county.

Port
commis-
sioners.

SEC. 9. The power to manage and conduct the business and affairs of a municipal port district shall be vested in a board of port commissioners, the members of which shall be appointed or elected from the municipal corporation included in such district pursuant to the provisions of the ordinance of intention mentioned in section two hereof.

Vacancies
in office.

SEC. 10. The office of any member of a board of port commissioners becomes vacant when the incumbent thereof dies, resigns, is adjudged insane, convicted of a felony or of an offense involving a violation of his official duty, or is removed from office, or shall have been absent from the municipal port district without the consent of the board of port commissioners

for more than sixty (60) consecutive days, or ceases to be a qualified elector of the municipal corporation from which he shall have been appointed or elected. Should any person appointed or elected as a member of the board of port commissioners fail to qualify within ten days from the time he is appointed or elected, his office shall be deemed vacant and the vacancy thus created shall be filled in like manner as other vacancies occurring in such office.

SEC. 11. Where a vacancy occurs in the office of a member of the board of port commissioners, by removal or otherwise, the person appointed or elected to fill such vacancy shall serve for the remainder of the unexpired term.

Unexpired term.

SEC. 12. Whenever a municipal port district shall have been established under the provisions of this act, any amendment to this act relative to or affecting the constitution of the board of port commissioners of such municipal port district, or the number, qualifications or manner of appointment or election or removal of the members of such board, or the times at which and the terms for which the members thereof are elected or appointed, or relative to or affecting the powers of municipal port districts or the powers of the board of port commissioners thereof, shall not apply to or be effective as to any such municipal port district unless and until such amendment shall have been approved and adopted by a resolution passed by a two-thirds vote of the legislative body of each of the municipal corporations included in such municipal port district.

Amendments to act, when effective.

SEC. 13. Any member of the board of port commissioners of a municipal port district may be removed from office, at any time after the expiration of six months from his election or appointment, by the qualified electors of the municipal corporation from which he was appointed or elected in the manner hereinafter provided unless otherwise provided in the ordinance of intention.

Removal of port commissioners.

The procedure to effect such removal of a member of the board of port commissioners shall be as follows: A petition signed by qualified electors equal in number to at least twenty per cent (20%) of the entire vote cast in the municipal corporation from which the port commissioner sought to be removed was appointed or elected, for all candidates for governor at the last preceding election at which a governor was elected, demanding the removal of such port commissioner, and the submission to the electors thereof the question of whether such port commissioner shall be removed by vote of the electors of such municipal corporation, may be filed with the clerk of such municipal port district as hereinafter provided. Such petition shall contain a general statement of the grounds upon which such removal is sought, of not more than three hundred words in length.

Except as herein otherwise provided the provisions of general law relating to the form and mode of signing petitions for the recall of officers of municipal corporations, and to the

verification, examination, certification and supplementing of such petitions shall apply to any petition made or filed under the provisions of this section, such petition shall be designated as a recall petition, and shall be signed by qualified electors only of the municipal corporation from which the commissioner sought to be removed was appointed or elected. If such petition be sufficiently signed, it shall be forthwith presented by the clerk to the board of port commissioners. The sufficiency or insufficiency of any recall petition and the sufficiency of the aforementioned statement required to be contained therein, shall not be subject to review by the board of port commissioners. Upon the presentation of such recall petition to the board of port commissioners, such board shall thereupon, by ordinance, order the holding of a special election in such municipal corporation for the purpose of submitting to the electors thereof the question whether the port commissioner named in the petition shall be removed from office. Such special election shall be held not less than fifty days, nor more than sixty days after the date of the certificate to the sufficiency of such petition; *provided, however*, that if any other election ordered or called by the board of port commissioners for any other purpose and at which the qualified electors of such municipal corporation are entitled to vote is to occur within such sixty days, the board of port commissioners may, in its discretion, order the holding of such recall election and the consolidation thereof with such other election.

Upon the ballots to be used at such recall election, there shall be printed, as to any member of the board of port commissioners whose removal is to be voted upon thereat, the following question: "Shall (inserting the name of the officer) be removed from the office of (inserting the name of the office) of the (stating name of municipal port district)?" and opposite such question to be voted on and to the right thereof, the words "Yes" and "No" shall be printed with voting squares. If an elector shall stamp a cross (X) in the voting square after the word "Yes", his vote shall be counted in favor of the removal of such officer, and if he shall stamp a cross (X) in the voting square after the word "No", his vote shall be counted against such removal. If a majority of the electors voting on such question shall vote in favor of the removal of such officer, he shall be deemed to be removed from office upon the declaration of the result of such election by the board of port commissioners, and his office shall thereupon be and become vacant. Such vacancy shall be filled in the same manner as the officer removed was appointed or elected. And any officer so removed shall be ineligible to any office under this act until the expiration of two years after such removal.

Any officer of a municipal port district, other than a member of the board of port commissioners, may be removed from office, at any time after the expiration of six months from his appointment, by the qualified electors of the municipal port district in the manner hereinafter provided. The procedure

Removal of
other
officers.

to effect such removal shall be the same as in the case of the recall of a member of the board of port commissioners, except that the petition for such recall shall be signed by qualified electors of such municipal port district equal in number to at least twenty per cent of the entire vote cast in all the municipal corporations included therein for all candidates for governor at the last preceding election at which a governor was elected, and shall demand the submission to the electors of the municipal port district of the question of the removal of such officer. The question of such recall shall be submitted to the qualified electors of the municipal port district, and the provisions of this section relating to the recall of members of the board of port commissioners shall govern the recall of other officers of the municipal port district so far as applicable. Except as this section otherwise provided, recall elections herein provided for shall be called, conducted and held and the result thereof declared as elsewhere in this act provided for other elections in municipal port districts. If a majority of the electors of such municipal port district voting on such question shall vote in favor of the removal of such officer, he shall be deemed to be removed from his office, which shall become vacant and the vacancy filled in the same manner as other vacancies in such office. One petition shall be sufficient to propose the removal of one or more port district commissioners, or one or more of the other officers of a municipal port district, as the case may be, and the question of such removal may be submitted at one and the same election.

In the event that any port commissioner or other officer whose removal is sought as in this section provided shall resign at any time after the filing of the petition for his removal, or any vacancy from any other cause occurs in such office at any time prior to two days before such election, such election shall not be held; but the incumbent, if he shall have so resigned after the presentation to the board of port commissioners of such petition, or shall have been removed by any other process of law, shall not be eligible to any office under this act until the expiration of two years from the date of such resignation or removal last mentioned.

Resignation
or vacancy
in office.

If the clerk of a municipal port district is the officer whose removal is sought by the recall as herein provided, all duties required by this section or this act to be performed by the clerk of the municipal port district relating to the recall proceedings shall be performed by any other officer of the municipal port district designated by the board of port commissioners for that purpose.

Sec. 14. Any municipal port district created in accordance with the provisions of this act is hereby declared to be a public corporation created for municipal purposes, and as such shall have power:

Powers of
district.

First—To have perpetual succession.

Second—To sue and be sued in the name of the municipal port district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

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

Fourth—To take by grant, purchase, gift, devise, or lease, or otherwise, acquire and to hold and enjoy, and to lease or dispose of real and personal property of every kind within the harbor district necessary to the full or convenient exercise of its powers, subject to the conditions, limitations, reservations and restrictions contained in this act or otherwise imposed by law.

Fifth—To improve, maintain and control the water front and harbor or harbors, tidelands, submerged lands and other lands within the harbor district; to acquire by purchase, lease, condemnation, or otherwise, or to construct and to maintain, deepen, widen, straighten, cover, wall, or alter, waterways, tidal basins, channels, slips and canals in such district; to acquire, construct or provide by purchase, lease, condemnation, or otherwise, and to own, maintain, equip, and operate elevators, cold storage plants, terminal ice plants, storage tanks, loading stations, storehouses, warehouses, bunkers, wharves, docks, dry docks, boat landings, piers, marine ways, breakwaters, levees, jetties, sea walls, molcs, bridges, railroad and water transfer and terminal facilities, harbor terminal or belt-line railroads and appurtenances, railroad terminals and yards, and all other appliances necessary or convenient for facilitating or accommodating commerce, freight and passenger traffic, navigation or fishery within the harbor district, and generally to acquire or contract to acquire lands, rights of way, easements, privileges and property of every kind, and to construct, maintain and operate any and all utilities, works or improvements within such harbor district necessary or convenient to carry out any of the objects or purposes of this act, and to complete, extend, add to, repair, or otherwise improve any utilities, works or improvements acquired or operated by it as herein authorized. Also to acquire, construct, own and maintain ferries, steamships, vessels, barges and other water craft, and to operate the same, within or without the harbor district.

Sixth—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 carry out any of the objects or purposes of this act, or to the exercise of the powers herein granted, whether such property be already devoted to the same use, or otherwise. In the exercise of such right of eminent domain a municipal port district shall have the same rights, powers and privileges as a municipal corporation under the laws of the State of California.

Seventh—To incur indebtedness and to issue bonds or other evidence of such indebtedness, for the purposes and subject to the limitations hereinafter provided.

Eighth—To levy and collect or cause to be levied and collected taxes for the purpose of carrying out the powers and paying the obligations of the municipal port district in the manner hereinafter provided.

Ninth—To make contracts, to employ labor and to do all acts necessary and convenient for the full exercise of the powers vested in such municipal port district or any of the officers thereof by this act.

Tenth—To grant leases of tide or submerged lands in the harbor district, whether filled or unfilled, for any and all purposes which shall not interfere with commerce, navigation or fishery, and are not inconsistent with the trusts upon which such lands are held by or may have been granted to any municipal corporation in such municipal port district by the State of California, all such leases shall be subject to the conditions, restrictions and limitations hereinafter provided.

Eleventh—To grant franchises and permits in the harbor district to use the waters or water frontage thereof for purposes in connection with or for the promotion and accommodation of commerce, navigation or fishery, or for the use of or over, upon or along tide or submerged lands, whether filled or unfilled, or over, upon or along other lands in such harbor district, subject to the conditions, restrictions and limitations hereinafter provided.

Twelfth—To lay out, open, widen, extend, straighten or improve public streets, highways, alleys, passageways or other public places, or rights of way, in the harbor district for the purpose of providing public access to the water front, or to improvements or utilities thereon, or elsewhere in the harbor district, or for the convenient use or operation of any property or utility owned, operated or controlled by the municipal port district within the harbor district and to acquire the property necessary or convenient for such purposes by condemnation or otherwise; *provided, however*, that the powers mentioned in this subsection shall not impair or otherwise affect the exercise of like powers in the harbor district by municipal corporations in the port district.

Sec. 15. Each port commissioner shall, before entering upon the discharge of the duties of his office, take and subscribe to an oath or affirmation before any officer authorized by law to administer oaths or affirmations, that he will support the constitution of the United States and the constitution of the State of California, and will faithfully discharge the duties of his office according to the best of his ability. Such oath or affirmation shall be filed in the office of the clerk of the municipal port district. Oath of office.

The board of port commissioners shall choose from its members a president and a vice president and shall provide for the time and place of holding its meetings and the manner in which special meetings may be called and held. All sessions of the board, whether regular or special, shall be open to the public, and a majority of the board shall constitute a quorum for the transaction of business. The board shall establish rules for the conduct of its proceedings. Organization of board.

Sec. 16. The powers of a municipal port district established under the provisions of this act, except as herein otherwise expressly provided, shall be exercised by the board of Exercise of powers.

Other
officers.

port commissioners. The other officers of a municipal port district shall be: (1) A clerk, who shall be ex officio secretary of the board of port commissioners; (2) an auditor; (3) a treasurer; (4) a general manager; (5) a chief engineer, and (6) an attorney, each of whom, except the chief engineer shall be appointed by the board of port commissioners. The chief engineer shall be appointed by the general manager, subject to approval by the board of port commissioners. Such officers shall receive such salary as shall be fixed by the board of port commissioners by ordinance, and except the chief engineer, shall hold office during the pleasure of the board. Such officers, or any of them, shall give such bond as shall be prescribed by the board of port commissioners, and they shall perform such duties, in addition to those prescribed by this act, as may be required of them by the board of port commissioners; *provided, however*, that the board of port commissioners shall have power, at its discretion, to combine the offices of the clerk and treasurer, in which event the clerk shall be and shall perform the duties of treasurer. The premium on all bonds of officers or employees shall be paid by the municipal port district.

Office and
meetings.

SEC. 17. The board of port commissioners shall maintain an office and prescribe office hours for the convenience of the public. The board shall hold a regular stated meeting once each week, and all regular and special meetings shall be open to the public. An attendance fee of twenty-five dollars for each meeting attended, not exceeding one hundred dollars in any calendar month to any member, shall be paid in full compensation to each member of said board.

Jurisdiction
of board.

SEC. 18. The board of port commissioners shall have control, supervision and management of the navigable waters of any harbor, whether natural or artificial, and of any bay, inlet, indentation, estuary, or other arm of the sea, and of all tidelands and submerged, whether filled or unfilled, and other lands situated within the boundaries of the harbor district of the municipal port district as described in the ordinance of intention provided for in section two of this act or described in the petition mentioned in sections two or three of this act, and the provisions of this act shall be deemed to and shall apply and appertain to such water front and navigable waters, and to such tide and submerged lands, and other lands as are or may thereafter be included in the harbor district; *provided, however*, that whenever the board of port commissioners shall find and determine that the needs of commerce, navigation or fishery, or the carrying out of the purposes of this act, require that other lands, in addition to those included in such harbor district and by this act placed under the control, supervision and management of the board of port commissioners, be acquired, such other lands, whether acquired by purchase, condemnation or otherwise, shall be added to and become a part of the harbor district; *provided, however*, that such action shall be approved by the legislative body of

the municipal corporation in which such lands are situated if such municipal corporation be within the port district. Whenever the board of port commissioners shall find and determine that any lands included in the harbor district are no longer required for any of the purposes of this act, it shall have power by ordinance to exclude such lands from the harbor district.

SEC. 19. The board of port commissioners shall have power and it shall be its duty:

(1) To make and enforce all necessary rules and regulations governing the use and control of all navigable waters and all tidelands and submerged lands, filled or unfilled, and other lands within the harbor district, and may prescribe and enforce penalties for the violation of such rules and regulations;

Control of waters and lands.

(2) To regulate and control the anchoring, mooring, towing, and docking of all vessels and water craft;

Anchoring, etc.

(3) To establish and maintain a system of harbor police in the harbor for the enforcement of the ordinances, rules and regulations of the port district, and to employ the necessary officers therefor, who shall as to such matters have all the powers of police officers in such district;

Police.

(4) To regulate and control in the harbor district the construction, maintenance, operation or use of any wharf, warehouse, structure, improvement or appliance used in connection with, or for the accommodation and promotion of commerce, navigation or fishery in the harbor district;

Wharves, warehouses, etc.

(5) To regulate and control all dredging or excavating in the harbor district;

Dredging.

(6) To fix, regulate and collect in the harbor district, rates or charges for the use of all wharves, warehouses, water craft, railroads, and other facilities, utilities, structures and appliances, owned, controlled or operated by the municipal port district in connection with, or for the promotion and accommodation of commerce, navigation and fishery; and the rates or charges for pilotage and towage;

Rates.

(7) To make and enforce such local, police, and sanitary regulations relative to the construction, maintenance, operation and use of all public services and public utilities in the harbor district operated in connection with or for the promotion or accommodation of commerce, navigation or fishery therein, as are now vested in the or any municipal corporation included in a municipal port district. To fix the proper license fees to be paid to the port district by any person, firm or corporation. The amount of such license fees to be paid to the municipal port district shall be fixed by the board of port commissioners by ordinance.

Public services and public utilities.

License fees.

(8) To lay out and establish a general plan and system of harbor and harbor district improvements, and from time to time to change or modify such plan and system and to prescribe the specifications for such improvements; *provided, however, that a four-fifths vote of the board shall be required*

Plan and system.

to establish such plan and system, and such specifications, or to change or modify the same.

Improve-
ments.

(9) To acquire, erect, maintain or operate in the harbor district, all such improvements, utilities, appliances or facilities as it may deem necessary or convenient for the promotion and accommodation of commerce, navigation and fishery, or for use in connection therewith, upon the lands and waters under the control and management of said board, and to acquire, maintain and operate water craft of all kinds, within or without such harbor district.

Ordinances.

(10) The powers conferred in this section upon the board of port commissioners relating to the making and enforcement of rules and regulations of general application, and to the fixing, regulating and collecting of rates, tolls and charges to be collected by the municipal port district, shall be exercised by ordinance of the board adopted by a majority of its members; *provided, however*, that in cases of emergency the board shall have power to suspend, modify or amend any such rule or regulation, or to place in effect any emergency rule or regulation, for periods not exceeding thirty days, and every such ordinance shall so provide. Every such ordinance shall prescribe penalties for the violation of the provisions thereof, and any person, firm or corporation who shall violate the provisions of any such ordinance shall be guilty of a misdemeanor and shall be punishable by imprisonment for a period not exceeding six months in the county jail of the county in which such district is situated, or by a fine not exceeding five hundred dollars, or by both such fine and imprisonment, as may be prescribed in such ordinance.

General
management.

(11) To make all needful rules and regulations for constructing, carrying out and maintaining all utilities, works and improvements which the municipal port district is authorized to acquire, construct, maintain or operate in the harbor district; to provide for the appointment and employment of all superintendents, engineers, clerks, laborers and other employees required to attend thereto and to carry on the affairs and business of the district, and to fix and provide for the compensation of such persons.

Location
of facilities
and plants.

(12) To fix and determine the location of facilities and industrial or manufacturing plants in the harbor district; *provided, however*, that the location of any facility or manufacturing plant pertaining to the fishing industry or to the manufacture of sea foods or products shall not be fixed or thereafter changed unless the members of the board of port commissioners from the municipal corporation in which such location is fixed or changed shall vote in favor thereof.

Other
necessary
powers.

(13) The board of port commissioners of a municipal port district shall be vested with such other powers, and shall perform such other duties for and on behalf of such district as may be necessary to carry out any of the objects and purposes of this act or to exercise any of the powers of such district; *provided*, that such powers and duties are not in conflict with the express terms of this act.

The powers by this section granted to the board of port commissioners to make rules and regulations and enforce the same in the harbor district shall be subject to the power vested by the constitution in any municipal corporation included in a municipal port district to make and enforce police and sanitary regulations within the limits of such municipal corporation.

SEC. 20. The president of the board of port commissioners, or the vice president in his absence, shall preside at all meetings of the board and sign all contracts on behalf of the municipal port district, and shall perform such other duties as the board may prescribe. The clerk of the municipal port district, who shall be ex officio secretary of the board, shall keep a record of its proceedings and may certify such proceedings under his hand, to be authenticated by the seal of the district provided by the board. The clerk shall perform such other duties as the board may prescribe. The clerk of the municipal port district shall countersign all contracts on behalf of the district and perform such other duties as may be imposed upon him by the board of port commissioners or by the provisions of this act. He shall give his entire time during office hours to the performance of the duties of his office, and shall be the custodian of the seal of the municipal port district.

President's
and clerk's
duties.

SEC. 21. The general manager shall be the chief administrative officer of the municipal port district and subject to the provisions of this act and the rules and regulations prescribed by the board of port commissioners, shall have the power and duty:

General
manager's
powers and
duties.

(1) To administer the affairs of the municipal port district as its chief administrative officer thereof;

Administra-
tion.

(2) To appoint, discharge, suspend or transfer the employees of the municipal port district, other than the clerk, attorney, auditor and treasurer of such district and the assistants, clerks and other employees in their several offices; to issue instructions to said employees, other than the clerk, attorney, auditor and treasurer and the assistants, clerks and other employees in their several offices, in the line of their duties, all subject to the civil service rules and regulations prescribed by the board of port commissioners under the provisions of this act;

Employees.

(3) To expend the funds of the municipal port district, except as in this act otherwise provided, in accordance with the provisions of the budget appropriations made by the board of port commissioners, or of appropriations made subsequent to the budget;

Funds.

(4) To recommend to the board of port commissioners prior to the beginning of each fiscal year, an annual port district budget covering the anticipated revenues and expenditures of the district, conforming so far as practicable to the forms and data provided in this act in relation to such port district budget;

Budget.

- Expenditures.** (5) To certify all expenditures of the port district to the auditor;
- Enforcement of rules.** (6) To enforce all orders, rules and regulations adopted by the board relating to the regulation, operation or control of the harbor district and to the affairs of the port district;
- Supervision.** (7) To supervise and manage all construction and maintenance work authorized or ordered by the board of port commissioners;
- Berths.** (8) To designate and assign berths or landings for the use of vessels at any wharf or like facility controlled or operated by the municipal port district, at the duly established rates or charges for the use of such wharves and like facilities, and subject to the rules and regulations governing the same. Every such berthing assignment shall reserve to the municipal port district the right to use such wharf or other facility for general wharf or other purposes when such space is not required for the use of the grantee or holder;
- Space in facilities.** (9) To designate and assign space in any warehouse, elevator, or like facility operated by the municipal port district at the duly established rates or charges for the use of such facilities, and subject to the rules and regulations governing the same;
- Revocation of assignments.** (10) Every such assignment of a berth or of space in any warehouse, elevator or like facility operated by the municipal port district shall be revocable by the general manager, without compensation to the grantee or holder thereof, upon due notice to be stated therein such notice in no case to be less than six months;
- Use of tide and submerged lands.** (11) Whenever it shall be determined by the board, by order, that certain parts of the tide or submerged lands therein described in the harbor district may not be required at such time for use for purposes in connection with, or for the promotion and accommodation of commerce, navigation or fishery, the general manager shall have power, subject to approval of the board, to grant revocable permits to use limited portions of such tide or submerged lands for any and all purposes which shall not interfere with commerce or navigation, and are not inconsistent with the trusts upon which said lands are held by any city in the municipal port district. Every such revocable permit shall prescribe that it shall be revocable without compensation to the grantee or holder thereof, upon due notice to be stated therein such notice in no case to exceed one year;
- Permit forms.** (12) Every such assignment or revocable permit shall be issued on printed forms, which shall set forth the terms and conditions thereof;
- Further powers.** (13) To exercise such further powers in the administration of the district as may be conferred upon him by the board of port commissioners;
- Reports.** (14) The general manager at least once a month shall file with the board a written report of the work of the port district.

SEC. 22. The auditor of the municipal port district shall install and maintain a system of auditing and accounting which shall at all times show the financial condition of the district. He shall draw and pay demands against the district when such demands have been first approved by a majority of the board of port commissioners present at the meeting of the board at which such demands have been acted upon, and shall perform such other duties as may be required of him by this act or by the board of port commissioners.

Auditor's
duties.

SEC. 23. The treasurer of the municipal port district shall be the custodian of all money deposited in the treasury of the district. Such money shall be paid out only upon the presentation of warrants, duly audited as elsewhere in this act provided, and without such warrants he shall pay out no money except the principal and interest of bonds, payable by the municipal port district, when due. He shall install a complete system of accounting, which shall at all times show the balance in the several funds of the municipal port district. He shall be the custodian of all unsold bonds of the municipal port district, and in the event of the sale of any bonds of the municipal port district, he shall deliver the same, and receive from the purchaser the amount due from such sale, and credit the same to the proper fund or accounts, in the same manner as other deposits in the treasury, and report the same to the board. The treasurer shall at the end of each fiscal year make and file with the board a detailed statement of the receipts, disbursements and balances of the treasury of the municipal port district, showing the business thereof. He may, in the discretion of the board, deposit the money under his supervision and control in such institutions and upon such terms as the laws of the state may permit, and the evidence of such deposits shall be considered as cash in the treasury of the municipal port district.

Treasurer's
duties and
bond.

The treasurer shall perform such other and further duties as may be required of him by the board of port commissioners. He shall give a separate bond for the performance of the duties of his office by himself and those employees in his office who assist therein. The premium on such bond shall be paid by the municipal port district, and the amount of such bond shall be fixed by the board of port commissioners from time to time.

Notwithstanding any of the provisions of this act, the board of port commissioners may, whenever the same is permitted or authorized by the charter of any municipal corporation included in a municipal port district or otherwise by law, appoint the city treasurer thereof as treasurer of such district, in which event the office of treasurer of the municipal port district shall be dispensed with, and such city treasurer shall perform the duties and have the powers provided by this act for the treasurer of such district, and with the same force and effect.

Chief
engineer's
duties.

SEC. 24. The chief engineer shall be a civil engineer of not less than five years professional experience in engineering work having to do with ports and terminals. He shall perform such civil engineering and surveying necessary in the prosecution of public work done under the direction or supervision of the board of port commissioners as the said board may require. He shall make such surveys, inspections, and estimates, prepare such maps, plans, diagrams, profiles and specifications, and perform such other surveying and engineering work as may be required by said board. He shall devote his entire time to the duties of his office, and shall receive no compensation in addition to his salary.

The chief engineer shall be the custodian of and be responsible for all maps, diagrams, plans and profiles and other records and memoranda belonging to the port district and pertaining to his office and to the work thereof, all of which he shall keep in proper order and condition, with full indices thereof. All maps, diagrams, profiles, plans, field notes, estimates and other memoranda of survey and other professional work made or done by the chief engineer or under his direction or control, shall at all times be and remain the property of the municipal port district.

Attorney's
duties.

SEC. 25. The attorney for the municipal port district must be qualified to practice in all the courts of this state, and he must have been so qualified for at least five years next preceding his appointment. The attorney must prosecute and defend for the municipal port district all actions at law or in equity, and special proceedings, for or against the district, or in which it may be legally interested, or for or against any officer of the district in any action or proceeding involving his acts in the performance of official duty, when directed so to do by the board of port commissioners, which may employ other counsel to assist the port district attorney therein. Whenever any cause of action at law or in equity or by special proceeding exists in favor of the port district, the attorney shall commence the same when within his knowledge, or when directed so to do by the board. He shall attend all meetings of the board and give his advice or opinion in writing to the board or to any officer when requested so to do by such officer or board; *provided*, that the board shall have control of all litigation of the municipal port district. The attorney shall approve, by written endorsement, the form of all official bonds required under the provisions of this act, and the draft of all contracts before the same are entered into by or on behalf of the municipal port district.

Ordinances,
resolutions
and orders.

SEC. 26. The board of port commissioners shall act only by ordinance, order or resolution, and all legislative action shall be by ordinance. The ayes and noes shall be taken upon the passage of all ordinance, orders or resolutions and entered at length upon the minutes of the proceedings of the board. No ordinance, order or resolution shall be passed or become effective without the affirmative vote of at least a majority

of the members of the entire board, except as in this act or in the ordinance of intention otherwise provided. The enacting clause of all ordinances passed by the board of port commissioners shall be in substantially the following form: "The board of port commissioners of the ----- (stating name) municipal port district do ordain as follows:" All ordinances and resolutions shall be signed by the president of the board of port commissioners and attested by the clerk. All orders and resolutions shall be entered in the minutes. All ordinances passed by the board of port commissioners shall be published with the names of the members voting for and against the same at least once in some daily newspaper of general circulation printed and published in the district, or at least twice in some weekly newspaper of general circulation similarly printed and published in case there is no such daily newspaper printed and published in the district. If no such newspaper, either daily or weekly, is so published, such ordinance shall be posted in a conspicuous place in or near the office of the board.

SEC. 27. No ordinance passed by the board of port commissioners, except an ordinance ordering or otherwise relating to an election, or to the adoption of the annual budget, or to the levy or collection of the annual municipal port district taxes, or respecting the bringing or conduct of suits or actions, or respecting the condemnation of lands or other property for public purposes of the municipal port district, or an ordinance required for the immediate preservation of the public peace, health or safety, which shall contain a specific statement showing its urgency, and is passed by a four-fifths vote of the board, shall go into effect until the expiration of thirty days from its publication or posting. All ordinances of the classes excepted by this section shall take effect upon their publication or posting. No grant or any franchise, lease, right or privilege, except a revocable permit, shall ever be construed to be an urgency measure; but all grants or franchises, leases, rights or privileges, except revocable permits, shall be made by ordinance of the board, which shall be subject to the referendum as hereinafter provided.

Ordinances
effective.

The procedure for such referendum shall be as hereinafter provided. At any time within the thirty days mentioned in this section, a petition, addressed to the board of port commissioners, and signed by qualified electors of the municipal port district equal in number to at least ten per cent of the entire vote cast in all the municipal corporations in the said district for all candidates for governor at the last preceding election at which a governor was elected, may be filed with the clerk of said district, demanding the submission of any ordinance of the board of port commissioners to a vote of the qualified electors thereof, except any ordinance which takes effect upon its publication as provided in this section. Any such petition shall be known as the referendum petition, and shall contain a full and complete copy of the ordinance, the

Referendum
procedure.

submission of which to a vote is thereby demanded. Such vote shall be known as a referendum vote. The provisions of section three of this act relating to the form and to the mode of signing petitions for the establishment of municipal port districts and to the verification, examination, certification, supplementing and presentation of such petitions shall apply to any petition made or filed under the provisions of this section, and if sufficiently signed shall upon certification be forthwith presented by the clerk to the board of port commissioners.

If any petition for the referendum of any such ordinance be filed as herein provided, and the clerk shall be unable to make his certificate to the sufficiency or insufficiency thereof within thirty days after the publication of such ordinance, such ordinance shall be suspended from taking effect after the expiration of said thirty days and until the date of the certificate of the clerk to the sufficiency or insufficiency of such petition. If by the certificate of the 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 municipal port district 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 such ordinance shall not go into effect until the expiration of said thirty days, and no supplemental petition to a referendum petition shall be filed after the expiration of said thirty days.

Upon the presentation to the board of port commissioners of a referendum petition, the ordinance mentioned therein must either be repealed by the said board without delay, or be submitted to a vote of the qualified electors of the municipal port district for approval or rejection at a special election to be called for that purpose, or at a special election consolidated with any other election of the municipal port district, or in any municipal corporation therein, in accordance with the provisions of this act, occurring within six months after the presentation of such referendum petition to the board of port commissioners.

No ordinance that has been submitted to a referendum vote shall go into effect unless a majority of the qualified electors voting thereon shall vote in favor thereof; and if such ordinance shall receive the votes of a majority of such electors voting thereon, it shall be deemed to be adopted, and shall take effect upon the declaration of the result of the election at which it was submitted, and if such ordinance shall not receive a majority of such votes it shall be deemed to be not adopted; *provided, however*, that any ordinance so adopted shall be subject to amendment or repeal by the board of port commissioners, but such amendment or repeal shall not be made within six months after such adoption, and such amendment or repeal shall itself be subject to the referendum as provided in this section.

Upon the ballot to be used at any election at which any ordinance is submitted under the referendum, there shall be

printed the words "Shall the ordinance (stating the title and nature of the ordinance and the date of its passage) be adopted?" And opposite such proposition to be voted on 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) 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.

Any election called or held under the provisions of this section, shall be so called and held, and the result thereof declared in the same manner as elsewhere in this act provided for municipal port district elections, except in the particulars otherwise specified in this section.

Whenever any ordinance is required to be submitted to the electors of any municipal port district under the provisions of this section, the clerk shall cause the same to be printed, and he shall enclose a copy thereof in an envelope with a sample ballot, and mail the same to each voter. Any person or persons filing a referendum petition, or the person or organization on whose behalf such petition is filed, shall have the right to file with the clerk of the municipal port district, at least twenty days prior to the election at which the ordinance is to be submitted to a vote of the electors of the district, printed copies of an argument against the adoption of such ordinance, and the board of port commissioners shall have the right to present or permit to be presented to and filed with the clerk within the same limit of time, printed copies of an argument in favor of the adoption of such ordinance. No such argument shall exceed fifteen hundred words in length, and such argument shall be printed in such form and upon such character of paper suitable for mailing, as the clerk shall prescribe. The clerk shall enclose one copy of each such argument with the sample ballot and a copy of the ordinance mailed to each voter, provided he has been furnished printed copies of such argument equal in number to five per cent in excess of the total number of qualified voters of the municipal port district.

Printed matter for voters.

SEC. 28. The board of port commissioners shall, in the month of August of each year, or as soon thereafter as possible, make a complete report of the affairs and financial condition of the municipal port district for the preceding fiscal year, which shall show the sources of all receipts and the purposes of all disbursements during such year. Said report shall be verified by the president of the board and clerk of the municipal port district, and the board shall cause at least two thousand copies thereof to be printed for public distribution.

Annual report.

SEC. 29. The fiscal year of any municipal port district shall begin on the first day of July of each year and shall end on the thirtieth day of June of the following year.

Fiscal year.

SEC. 30. The State of California, by the passage of this act, hereby consents that any municipal corporation, included in any municipal port district established under the provisions

Use of lands granted by state.

of this act, to which the State of California has granted all its right, title and interest in and to the tidelands, submerged lands, whether filled or unfilled, swamp, overflowed and salt marsh lands within the boundaries of such municipal corporation, may grant its right, title and interest in and to the portion of such lands situated within the harbor district of such municipal port district to such municipal port district in trust for the same uses and purposes and upon the same conditions that are declared and specified in the grant thereof to such municipal corporation, and may also transfer, relinquish and surrender to such municipal port district its power to manage, conduct and operate the harbor in or adjacent to which such portion of such lands are situated. The joining of any such municipal corporation in the establishment of a municipal port district and the establishment thereof shall be deemed to be and shall operate as a valid grant and transfer of its right, title and interest in and to such portion of such lands by any such municipal corporation to such municipal port district, and as a valid surrender thereto of the possession and control thereof, including the right and power to use and improve the same for the purposes and in the manner provided and subject to the public trusts declared in the grant of such lands to such municipal corporation and to the conditions and reservations contained therein, and as a valid transfer, relinquishment and surrender by such municipal corporation to such municipal port district of the management, conduct and operation of the harbor in or adjacent to which such lands are situated. Such municipal port district shall, upon its establishment in accordance with the provisions of this act, be and become the successor of such municipal corporation included therein with respect to the management, conduct and operation of such harbor and with respect to the use, possession and title to such portion of such lands, and the same shall continue to be held and used by such municipal port district, under the provisions of this act, in trust for the same purposes and subject to the same conditions and reservations as said lands were formerly held and owned by such municipal corporation; *provided, however*, that when any such municipal corporation included in a municipal port district to which such lands have been so granted by the State of California, is governed under a freeholders charter, such grant and transfer of such portion of such lands to such municipal port district, and such surrender of the possession and control thereof, including the right and power to so use and improve such portion of such lands and to manage, conduct and operate such harbor, shall not become operative or effective unless and until the same shall be authorized by the provisions of such charter or amendment thereto, and the title to such lands and the possession and control thereof and the management, conduct and operation of such harbor shall continue vested in such municipal corporation, unimpaired by anything contained in this

Transfer of
title, etc.,
of lands
and harbor.

Successor
of city.

Chartered
cities.

act, unless and until such municipal corporation shall by the provisions of its charter or amendment thereto grant and surrender the same to such municipal port district. In the event that such municipal port district shall thereafter be dissolved by operation of law or otherwise, any such lands so granted thereto under the provisions of this act, together with any and all improvements thereon, and the management, conduct and operation of such harbor, shall ipso facto revert to and be re-vested in the municipal corporation so granting the same to such municipal port district.

Reversion.

SEC. 31. Whenever a municipal port district shall be established under the provisions of this act, such municipal port district shall be and become the successor of each of the municipal corporations included therein as to all powers theretofore vested in each such municipal corporation or exercisable by the officers thereof which are by the provisions of this act granted to municipal port districts or exercisable by the officers thereof, and such powers shall be deemed and taken to be relinquished by such municipal corporations and surrendered to such municipal port district, and the title to possession and control of any and all works, structures, appliances, improvements and equipment of the character, kinds, or classes enumerated or designated in section thirty-five of this act, owned or held by each of such municipal corporations, or in trust therefor, or by any officer or board thereof, in trust or otherwise, for any use or purpose which municipal port districts are authorized to acquire, hold and use property within the terms and contemplation of this act, shall, upon the establishment of such municipal port district, ipso facto be transferred to and vested in such municipal port district and be thereafter held, owned, operated and controlled by such municipal port district in accordance with the provisions of this act. Upon the establishment of such municipal port district, all persons then occupying the several offices of or under the government of each municipal corporation included therein, except as herein otherwise provided, whose several powers and duties are, by the terms of the act, within the powers of such municipal port district or within the powers or duties of the several officers thereof, shall immediately quit and surrender the occupancy or possession of such offices which shall thereupon cease and determine, except as to any persons who have powers and perform duties for such municipal corporation other than those hereinbefore mentioned, whose offices shall not cease and determine as to such other powers and duties but shall continue with respect thereto the same as if such municipal port district had not been established; and such persons shall severally forthwith deliver and turn over to the proper officers of such municipal port district all property of each such municipal corporation respectively in their hands or under their control including any and all works, structures, appliances, improvements and equipment of the character, kinds or classes enumerated or

Succession to certain powers, duties, property, money, contracts, etc.

designated in section thirty-five of this act and pertaining to harbor improvements or affairs, and all moneys or funds derived from the sale of the bonds of each such municipal corporation issued for the purpose of acquiring, constructing or completing any such works, structures, appliances, improvements or equipment, except such portion thereof as may be necessary to retain in order to pay any amounts due or to become due on any contracts therefor entered into by or on behalf of any such municipal corporation prior to the establishment of such municipal port district, and uncompleted on the date thereof, or for any work then being done directly without contract, and for other costs and expenses arising therefrom or connected therewith; *provided, however*, that the provisions of this section shall not apply or become operative as to any such municipal corporation that is governed under a freeholders charter unless and until the same shall be authorized by the provisions of such charter or amendment thereto; and in the event that such municipal port district shall thereafter be dissolved by operation of law or otherwise, any such works, structures, appliances, improvements and equipment shall thereupon revert to and be revested in such municipal corporation, together with any other works, structures, appliances, improvements and equipment acquired or constructed by such municipal port district in that portion of the harbor district within the limits of each such municipal corporation respectively.

Reservations
in franchises,
etc., for use
of waters,
water front-
age and
lands.

SEC. 31a. The powers of a municipal port district to grant franchises, permits and leases for the use of waters, water frontage, tidelands or submerged and other lands, situated within the limits of any municipal corporation in any port district shall at all times be exercisable by the board of port commissioners in compliance with and subject to the provisions of any freeholders charter of any such municipal corporation containing any reservations which;

(1) Reserve and withhold any water frontage, tidelands and submerged lands, whether filled or unfilled for use for purposes in connection with or for the promotion of commerce, navigation or fishery;

(2) Prohibit the grant, sale, conveyance, alienation, transfer or other disposition, except as may be provided in such charter, of any part of or any interest in the water front, tidelands, submerged lands, or appurtenances thereunto belonging, owned, possessed or held by any such municipal corporation;

(3) Reserve any part of the water frontage of any harbor in such municipal corporation, together with the co-terminus and adjacent tidelands and submerged lands for public use;

Grant of
franchises,
leases and
permits.

SEC. 32. All franchises, permits and leases shall be granted by the board of port commissioners subject to such terms and conditions and to such rental or compensation as may be prescribed therein, and to the limitations, conditions and restrictions and reservations in this act contained, and no franchise,

permit or lease shall be granted for a longer period than thirty years.

When the lands included in any such lease are situated within the limits of any municipal corporation governed under a freeholders charter, or when any such franchise, permit or other privilege is to be exercised within the limits of any such municipal corporation the charter of which requires the same to be approved by the legislative body thereof before the same shall take effect, any such lease, franchise, permit or other privilege so granted by the board of port commissioners shall continue to be subject to such approval by the legislative body of such municipal corporation and to such terms, conditions, restrictions and reservations as may be required by the charter thereof, unless and until such charter shall otherwise provide.

Every grant of a lease, franchise, permit or other privilege for a definite period of time shall be made by ordinance; any ordinance making any such grant shall be published in the same manner as other ordinances and shall, before the same becomes effective, be subject to the referendum provisions of this act. Each such grant shall provide for a readjustment of the rental or compensation every ten (10) years during the term thereby created, upon such procedure as shall be specified in such grant.

No grant shall ever be made to any one person, firm or corporation to use any such water frontage whatever in excess of three thousand feet, linear measurement, measured along United States harbor lines; *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 a majority of the qualified voters of the municipal port district voting upon the question of authorizing any such grant at an election.

Every such grant shall be made only upon the conditions, whether expressed therein or not, that the construction of the works, structures or improvements, provided for therein, shall, if the same be not already constructed or made, be commenced within ninety days of the date of such grant, and be prosecuted diligently to completion upon such further terms and conditions as may be prescribed therein.

Every such grant shall provide that in case the same, or any improvement made thereunder, or any part thereof, shall be assigned, transferred or subleased, and 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 grant from the municipal port district or other public authority, more than the length of water frontage permitted or authorized under this act, then such grant, and all rights thereunder, shall thereupon and thereby be absolutely terminated. No assignment, transfer, sublease, gift or grant of control shall be valid for any purpose unless first approved by the board of port commissioners.

Every such grant shall be subject to such rights of way over the lands embraced therein for such sewers, pipe lines, con-

Limit on
frontage.

Construction.

Transfers.

Rights
of way.

duits, and for such telephone, telegraph, light, heat or power lines as may from time to time be determined by the board of port commissioners, and the same shall be subject to such rights of way for such streets and other highways and for such railroads and other means of transportation as shall have been

Interference.

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 board of port commissioners for harbor improvements, or for the development of facilities for the promotion and accommodation of commerce, navigation or fishery, or for providing railroad or other terminal facilities.

Expiration.

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 municipal port district or any successor thereof without compensation therefor to the grantee or holder thereof, and to the other permanent structures or improvements constructed or maintained thereunder, shall prescribe whether the same shall become the property of the municipal port district or successor thereof 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.

Forfeiture.

The board of port commissioners shall have power to declare a forfeiture of any such grant upon the neglect, failure or refusal by the grantee thereof to comply with any of the terms or conditions thereof. Upon any such forfeiture, 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 municipal port district and every such grant shall so provide.

Port revenue fund.

SEC. 33. All moneys received or collected from or arising out of the use or operation of any harbor or port improvement, work, appliance, facility or utility, or water craft, owned, controlled or operated by any municipal port district; all tolls, charges and rentals collected by the board of port commissioners, and all compensations or fees required to be paid for franchises or licenses, or otherwise by law or ordinance or order, to the port district for the operation of any public service utility upon lands or waters under the control and management of the board, shall be deposited in the treasury of the district to the credit of a fund to be known as the port district revenue fund. None of the money in or belonging to the said fund shall be appropriated or used for any purpose except the following:

Use of fund.

(1) For the necessary expenses of conducting the municipal port district, including the operation and maintenance of all harbor or port improvements, works, utilities, appliances,

facilities and water craft, owned, controlled or operated by the district for the promotion and accommodation of commerce, navigation and fishery, or used in connection therewith;

(2) For advertising the commercial and other advantages and facilities of any harbor in the municipal port district, and for encouraging and promoting commerce, navigation and transportation in and through such harbor; *provided, however*, that the expenditure for such purpose shall not exceed in any fiscal year the sum of twenty-five thousand dollars.

(3) For the acquisition, construction, completion and maintenance of harbor and port improvements, works, utilities, appliances, facilities, and water craft, for the promotion and accommodation of commerce, navigation and fishery, or uses in connection therewith; and for extraordinary improvements and betterments to lands and property under the control, supervision and management of the port district, including the purchase or condemnation of necessary lands and other property and property rights;

(4) For the payment of the principal, or interest, or both, of municipal port district bonds authorized, issued and sold under the provisions of this act.

(5) For the payment of the principal or interest, or both, of the bonds of any municipal corporation in the municipal port district for harbor improvements, authorized or outstanding prior to the establishment of such district, or thereafter issued and sold by any such municipal corporation for harbor improvements as contemplated by the provisions of this act.

SEC. 34. The board of port commissioners shall have power to order and contract for the expenditure of all money derived from the sale of municipal port district improvement bonds, and of all money in the port district revenue fund or other funds of such district. Whenever the board shall have approved and authorized any service, work or improvement, and shall have appropriated the necessary money therefor, it shall have power to advertise for proposals and to let any necessary contract in connection with such service work or improvement; *provided, however*, that when authorized by the board, the general manager shall have power to advertise for proposals and let any such contract involving an expenditure of one thousand dollars or less and execute the same in behalf of the port district.

Contracts
involving
expenditure
of money.

In cases of emergency where the circumstances of the case render it impossible to secure bids for the furnishing of labor or materials without undue delay or loss to the district, the board or the general manager, with the approval of the board, may let such contract without advertising for bids.

SEC. 35. Any municipal port district established under the provisions of this act may incur indebtedness to pay the cost of any work or improvement hereinafter mentioned and which such district is hereby authorized to do or make, the cost of which will be too great to be paid out of the ordinary annual

Bond issues
for harbor
improvements.

income and revenue of the municipal port district. Whenever the board of port commissioners shall, by resolution passed by the vote of not less than four of its members, determine that the public interest or necessity demands the acquisition, construction or completion of any municipal port district work or improvement, in the harbor district, including sea walls, jetties, breakwaters, piers, quays, wharves, moles, docks, dry docks, boat landings, warehouses, storehouses, elevators, cold storage plants, terminal ice plants, bunkers, storage tanks and loading stations, ferries, steamships, vessels or other water craft, canals, tidal basins, bridges, subways, tramways, conveyors, compressors, appliances for the handling, storing and distribution of freight and handling of passenger traffic, railroad and water transfer and terminal facilities, harbor belt-line or terminal railroads, railroad terminals or yards, or other property, works or utilities necessary or convenient to carry out the object, purposes and powers of the municipal port district, or the construction, improvement, dredging, deepening or straightening of channels, turning basins, canals, slips or waterways, or any or all other things necessary or convenient to the establishment, improvement, conduct or maintenance of a harbor or in furtherance of commerce, navigation or fishery, the cost of which will be too great to be paid out of the ordinary annual income and revenue of the port district, the board of port commissioners may, at any subsequent meeting thereof, by a vote of four of its members, order the submission of the proposition of incurring a bonded debt for the purpose set forth in such resolution to the qualified voters of said municipal port district at an election called and held therein for that purpose; *provided*, that the proposition of incurring indebtedness for more than one object or purpose may be submitted at the same election. The ordinance calling such election shall recite the objects and purposes for which the indebtedness is proposed to be incurred, and the municipal corporation in which the work or improvement or any part thereof is to be performed, located or constructed, the estimated cost of the proposed public improvements, the amount of the principal indebtedness to be incurred therefor and the rate of interest to be paid on said indebtedness, and shall fix the date on which such election shall be held; *provided, however*, that the maximum rate of interest to be paid on such indebtedness shall not exceed six per centum per annum, payable semiannually. Such ordinance shall prescribe the manner of voting for or against incurring such indebtedness; and in all particulars not recited in such ordinance, such election shall be held as provided by this act for holding elections in such municipal port district.

Ordinance.

Notice of election.

SEC. 36. The ordinance calling the election referred to in section thirty-five of this act shall be published once a day for at least seven days in some newspaper published at least six days a week in each municipal corporation in such municipal port district, or once a week for two weeks in some newspaper

published less than six days a week in each municipal corporation in such port district, and one insertion each week for two succeeding weeks shall be sufficient publication in such newspapers published less than six days per week. In municipal corporations 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 on the proposition of incurring such indebtedness at such election in such port district to authorize the issuance of the bonds therein; *provided, however,* should the proposition so submitted at such election fail to receive the requisite number of votes of the qualified voters voting on the proposition of incurring such indebtedness at such election to incur indebtedness for the purpose specified, the board of port commissioners 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 each municipal corporation included in the municipal port district, 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 board of port commissioners, 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.

Vote.

SEC. 37. No municipal port district shall incur, nor shall there be outstanding at any time any bonded indebtedness of any such district for public improvements which shall in the aggregate exceed three per cent of the assessed value of all the real and personal property included in such port district.

Bond limit.

SEC. 38. All municipal port district bonds issued under the provisions of this act shall be payable substantially in the following manner: A part, to be determined by the board of port commissioners, which shall not be 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 such board of the municipal port district 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 any revenue producing works, plant, utility, or property, the acquisition, construction or completion of which is authorized by the provisions of this act, the board of port commissioners 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 issuance of such bonds, but in such event the whole amount of such indebtedness shall 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 port commis-

Maturity of bonds.

Denominations.

sioners may determine, except that no bonds shall be of 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 centum per annum, and shall be payable semiannually, and said bonds shall be signed by the president of the board of port commissioners and also by the treasurer of the municipal port district, and shall be countersigned by the secretary thereof. 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 signatures or countersignatures shall nevertheless be valid and sufficient for all purposes, the same as if they had remained in office until the delivery of such bonds.

Interest.

Signatures.

Sale of bonds.

SEC. 39. Such municipal port district bonds may be issued and sold by the board of port commissioners as they may determine, but not for less than their par value, and the proceeds of such bonds shall be placed in the treasury of the municipal port district to the credit of the municipal port district improvement fund and shall be applied exclusively to the purposes and objects mentioned in the ordinance. At any time after three years after the date of any election at which an issue of any of the bonds herein provided for has or shall have been authorized, the board of port commissioners may, by ordinance adopted by a vote of four of the members of such board, determine that no part of such bond issue, or if a portion of the bonds so authorized at such election shall have been sold, that no part of the remainder of such issue then remaining unsold, shall be thereafter issued or sold, and upon the taking effect of such ordinance the authority to issue the bonds authorized at such election and described in such ordinance shall cease, and the whole or that portion of the bonds issued pursuant thereto remaining unsold and described in such ordinance shall become void.

Other bond issues for work or improvements.

SEC. 40. Nothing in this act contained shall be construed to affect or impair to any extent or in any manner the power of any municipal corporation included in a municipal port district to incur bonded indebtedness for any work or improvement for which any such municipal corporation is authorized to incur such indebtedness by its charter or otherwise by law, including works or improvements for which a municipal port district is also authorized to incur bonded indebtedness under the provisions of this act. Whenever any such municipal corporation, containing within its boundaries any part of the harbor district of a municipal port district, shall incur a bonded indebtedness for any harbor work or improvement of a kind or character designated or described in section thirty-five of this act, or referred to therein, which is to be acquired, constructed or completed in such part of such harbor district, and shall issue and sell its bonds therefor,

the proceeds of the sale of such bonds shall be paid into the treasury of such municipal port district to the credit of a fund to be designated as the harbor improvement fund of such municipal corporation, and shall be expended by such municipal port district in accordance with the provisions of section forty-seven of this act in the performance of the work or for the acquisition, construction or completion of the improvement for which such bonded indebtedness was so incurred, and in the part of the harbor district within the boundaries of such municipal corporation; *provided, however*, that any such work or improvement shall be done, acquired, constructed or completed in accordance with plans and specifications and be of a character approved by the board of port commissioners, and be located in accordance with the plan and system of harbor improvements established by such board; *and provided, further*, that upon the completion thereof, such work or improvement shall be thereafter held, controlled, operated and maintained by the municipal port district in all respects the same as other works or improvements acquired or constructed by the municipal port district under the provisions of this act. It shall be competent for any such municipal corporation to issue and sell its bonds, and to turn over the proceeds of the sale thereof to a municipal port district to be expended as in this section provided, and the same shall not impair the validity of such bonds, which shall be and remain binding obligations of the municipal corporation so issuing such bonds.

SEC. 41. In the event that a municipal port district is governed by a board of port commissioners, the members of which are elected by the electors of such district, or by the electors of the several municipal corporations included therein, the general manager of such municipal port district shall, on or before the first day of May of each year submit to the board of port commissioners thereof a detailed statement of the money required for the next ensuing fiscal year for the purpose of conducting the business of the district. Such estimate shall be so classified as to show the expenses of the objects and services which it is estimated will be required to carry on the work of the district and of the several offices thereof, or of the departments into which the work and functions of the district may be divided by the board of port commissioners. With such estimate there shall be submitted such summary, schedules and data as may be required by the board of port commissioners.

Annual
budget
where
commis-
sioners are
elected.

On or before the first day of May of each year, the auditor of the port district shall submit to the board of port commissioners a detailed statement of the money which he estimates will be required for the interest and sinking fund of all outstanding bond indebtedness and other lawful obligations of the municipal port district, and also a statement of the revenues to be derived from licenses, franchises, rentals, tolls and all other sources, exclusive of taxes on property.

The board of port commissioners shall immediately proceed to the consideration of the estimates submitted by the general manager and auditor. Before adopting such estimates, the board shall fix the time and place for holding a public hearing thereon which shall be designated as the proposed budget, and shall give public notice thereof. The board may, by a majority vote of all its members, increase, decrease or omit any item therefrom, or insert new items therein. The budget as adopted by the board shall be signed by the president of the board of port commissioners and the clerk, and the several items thereof shall thereafter be deemed appropriated for the ensuing fiscal year and to the several offices and departments of the business of the district therein specified. Such budget shall be printed with a reasonable number of copies for public distribution.

Such budget shall contain an item to be known as the "unappropriated balance," which sum shall be available for appropriation later in the ensuing fiscal year to meet contingencies as they may arise, and shall also contain an item to be known as the "reserve fund", which shall be carried over to the next ensuing fiscal year following the fiscal year for which the budget is prepared, to meet the cash requirements of the district, if any such there be, for the portion of such next ensuing fiscal year, prior to receipt of taxes thereof, or for appropriations to the unappropriated balance fund as herein provided.

Monthly expenditures.

The board of port commissioners of the district shall have authority to expend and make contracts, or to authorize the same in the manner provided by this act, involving the expenditure of one-twelfth of the fund apportioned by the budget to the officers or employees of the district or to the department of the business of the district in charge of such officer or employee during each month of the fiscal year, and no more, unless otherwise specified in such budget, or unless specially authorized to do so by vote of four members of the board of port commissioners; *provided*, that if during any month less than one-twelfth of the funds so apportioned shall be expended, the amount unexpended may be expended in any subsequent month of the fiscal year without such special authorization.

Annual tax levy where commissioners are elected.

SEC. 42. In the event that a municipal port district is governed by a board of port commissioners, the members of which are elected by the electors of such district, or by the electors of the several municipal corporations included therein, taxes for the purpose of carrying out the powers and paying the obligations of such municipal port district shall be levied and collected in the manner provided in this section and in section forty-three *c* of this act, and not otherwise. The board of port commissioners shall, at the time of fixing the general tax levy for county purposes by the board of supervisors of the county in which such municipal port district is situated, levy annually each year, until all municipal port district

bonds issued under the provisions of this act are paid, or until there shall be a sum in the treasury of such municipal port district set apart for the purpose to meet all sums coming due for principal and interest on such bonds, a tax sufficient to pay the annual interest on such bonds on all taxable property in such municipal port district and also such part of the principal thereof as shall become due before the time of fixing the next general tax levy for county purposes; *provided, however*, that if the maturity of the indebtedness created by the issue of such bonds be made to run more than one year after the date of the issuance of such bonds such taxes 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. And if from any cause the revenues of the district shall be inadequate to provide the funds otherwise needed to carry out the objects and purposes of the district or to conduct the business thereof which can not be provided for out of the revenues of the district, such tax levy shall also include such amount of money as may be necessary to carry out the objects and purposes of the district and to carry on the business thereof during the year for which such tax is levied; *provided, however*, that such tax so levied for any one year for municipal port district purposes, other than for payments on principal and interest on municipal port district bonds and for a sinking fund as hereinbefore provided, shall not exceed one cent on each one hundred dollars worth of taxable property in such district, and the ordinance levying such tax shall be adopted by a four-fifths vote of the port commissioners. The board of port commissioners shall state the purposes for which such taxes are required, and must fix by ordinance the amount of money necessary to be so raised by taxation. The taxes required by this act to be levied and collected shall be in addition to all other taxes levied for municipal purposes by any municipal corporation in such municipal port district, and shall be collected at the same time and in the same manner as taxes for county purposes are collected, and be used for no other purpose than the payment of said bonds and accruing interest and to carry out the purposes and object of the district, in case additional taxes are levied therefor as herein provided.

SEC. 43. In the event that a municipal port district is governed by a board of port commissioners the members of which are selected in any other manner than by election by the electors of such district or by the electors of the several municipal corporations included therein, taxes for the purpose of carrying out the objects and purposes of such municipal port district and paying the bonded indebtedness of such district and interest thereon shall be levied by a municipal port district tax commission and be collected in the manner hereinafter provided, and the procedure therefor shall be in accordance

Annual tax
levy where
commis-
sioners are
not elected.

with the provisions of this section and of sections forty-three *a*, forty-three *b* and forty-three *c* of this act.

Tax commission.

Upon the establishment of a municipal port district and annually thereafter, when the same consists of two municipal corporations, three members of the legislative body of the larger municipal corporation and two members of the legislative body of the smaller municipal corporation shall be selected by the legislative bodies of each such municipal corporation respectively who shall constitute the tax commission of such municipal port district. If such municipal port district consists of three municipal corporations, such tax commission shall consist of five members, two of whom shall be so selected by and from each of the legislative bodies of the two largest municipal corporations respectively and one so selected by and from the legislative body of the smallest municipal corporation; if such municipal port district consists of four municipal corporations, such tax commission shall consist of five members, two of whom shall be so selected by and from the legislative body of the largest municipal corporation, and one each by and from the legislative bodies of each of the other municipal corporations; if such municipal port district consists of five municipal corporations, such tax commission shall consist of five members, one of whom shall be so selected by and from the legislative body of each such municipal corporation; and if such municipal port district shall consist of more than five municipal corporations, such tax commission shall consist of one member so selected by and from the legislative body of each such municipal corporation respectively. The members of such tax commission shall serve for one year, and a vacancy occurs in the office of any member of such tax commission whenever a vacancy occurs in his office as a member of the legislative body of the municipal corporation from which he was appointed. If a vacancy occurs in the office of any member of such tax commission, the same shall be filled in like manner as such office was filled in the first instance.

Organization of commission.

The meetings of such tax commission shall be held in the office of the board of port commissioners. The clerk of the municipal port district shall be ex officio secretary of such tax commission, who shall keep a record of its proceedings, and enter the same in a book to be kept for that purpose. The members of such tax commission shall choose from its members a chairman, and shall provide a time for holding its meetings, and the manner in which special meetings may be called and held. All sessions of the tax commission, whether regular or special, shall be open to the public, and a majority of the tax commissioners shall constitute a quorum for the transaction of business. The enacting clause of all ordinances passed by the tax commission shall be substantially in the following form: "The tax commission of the _____ (stating name) municipal port district do ordain as follows: " All ordinances of the tax commission shall be signed by the

chairman and attested by the secretary, and shall be published or posted in like manner as ordinances of the port commissioners, and shall take effect upon their publication or posting.

SEC. 43a. On or before the first day of May of each year the general manager of a municipal port district shall submit to the tax commission thereof a detailed statement of the money required for the next ensuing fiscal year for the purpose of conducting the business of the district. Such estimate shall be so classified as to show the expenses of the objects and services which it is estimated will be required to carry on the work of the district and of the several offices thereof, or of the departments into which the work and functions of the district may be divided by the board of port commissioners. With such estimate there shall be submitted such summary, schedules and data as may be required by the tax commission.

Annual
budget
adopted
by tax
commission.

On or before the first day of May of each year, the auditor of the port district shall submit to the tax commission thereof a detailed statement of the money which he estimates will be required for the interest and sinking fund of all outstanding bond indebtedness and other lawful obligations of the municipal port district, and also a statement of the revenues to be derived from licenses, franchises, rentals, tolls and all other sources, exclusive of taxes on property.

The tax commission shall immediately proceed to the consideration of the estimates submitted by the general manager and auditor. Before adopting such estimates, the tax commission shall fix the time and place for holding a public hearing thereon which shall be designated as the proposed budget, and shall give public notice thereof. The tax commission may, by a four-fifths vote of all its members, increase, decrease or omit any item therefrom, or insert new items therein. The budget as adopted by a four-fifths vote of the tax commission shall be signed by the chairman of the tax commission and the secretary, and the several items thereof shall thereafter be deemed appropriated for the ensuing fiscal year and to the several offices and departments of the business of the district therein specified. Such budget shall be printed with a reasonable number of copies for public distribution.

Such budget shall contain an item to be known as the "unappropriated balance," which sum shall be available for appropriation later in the ensuing fiscal year to meet contingencies as they may arise, and shall also contain an item to be known as the "reserve fund," which shall be carried over to the next ensuing fiscal year following the fiscal year for which the budget is prepared, to meet the cash requirements of the district, if any such there be, for the portion of such next ensuing fiscal year, prior to receipt of taxes thereof, or for appropriations to the unappropriated balance fund as herein provided.

SEC. 43b. The municipal port district tax commission shall at the time of fixing the general tax levy for county purposes by the board of supervisors of the county in which

Annual tax
levy by tax
commission.

such municipal port district is situated, levy annually each year, until all municipal port district bonds are paid, or until there shall be a sum in the treasury of such municipal port district set apart for the purpose to meet all sums coming due for principal and interest on such bonds, a tax sufficient to pay the annual interest on such bonds on all taxable property in such municipal port district and also such part of the principal thereof as shall become due before the time of fixing the next general tax levy for county purposes; *provided, however*, that if the maturity of the indebtedness created by the issue of bonds be made to run more than one year after the date of the issuance of such bonds such taxes 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. And if from any cause the revenues of the district shall be inadequate to provide the funds otherwise needed to carry out the objects and purposes of the district or to conduct the business thereof which can not be provided for out of the revenues of the district, such tax levy shall also include such amount of money as may be necessary to carry out the objects and purposes of the district and to carry on the business thereof; *provided, however*, that such tax so levied for any one year for municipal port district purposes, other than payments on municipal port district bonds as in the act provided, shall not exceed one cent on each one hundred dollars worth of taxable property in such district, and the ordinance levying such tax shall be adopted by a four-fifths vote of the members of the port district tax commission. The port district tax commission shall state the purposes for which such taxes are required, and must fix by ordinance so adopted the amount of money necessary to be so raised by taxation.

Use of
county
system of
assessment
and tax-
ation.

SEC. 43c. Until otherwise provided by law, any municipal port district shall use for the purpose of municipal port district taxation the county system of assessment and tax collection of the county in which such municipal port district is situated, and the assessment made by the assessor of such county shall be the basis for municipal port district taxation. The county auditor of such county must, on or before the second Monday in August of each year, transmit to the board of port commissioners, or to the tax commission of the municipal port district, as the case may be, a statement in writing showing the total value of all property within the municipal port district which value shall be ascertained from the assessment books of the said county for that year as equalized and corrected by the board of supervisors of such county. The board of port commissioners or such tax commission shall, not later than the last Tuesday in August of each year, fix the rate of taxes for the municipal port district, designating the number of cents upon each one hundred dollars, using as a basis the value of the property as

assessed by the county assessor of each county, as the same may be equalized and so returned to such board of port commissioners or to such tax commission by such county auditor, as hereinbefore provided, which rate of taxation shall be sufficient to raise the amount previously fixed by the board of port commissioners or by the said tax commission, as hereinbefore provided, which acts by said board or tax commission, as the case may be, are declared to be a valid assessment of such property and a valid levy of such taxes so fixed. The board of port commissioners or tax commission must immediately thereafter transmit to such county auditor of such county a statement of such rate so fixed by the board of port commissioners or by the said tax commission, as the case may be. The said county auditor must then compute and enter in the assessment book or books the respective sums in dollars and cents or dollars or cents to be paid as municipal port district tax on the property therein enumerated and assessed as being in the municipal port district, using the rate of levy so fixed by the board of port commissioners of the municipal port district and the assessed value as set forth in such assessment book or books. Such taxes so levied shall be collected at the same time and in the same manner as county taxes and when collected the net amount ascertained as hereinafter provided shall be paid to the treasurer of the municipal port district under the same requirements and penalties provided by law for the settlement of other taxes.

SEC. 43d. Transfers from the "reserve fund" to the "unappropriated balance" may be made subsequent to the adoption of the budget, upon recommendation of the general manager, approved by the board of port commissioners. Transfers
of funds.

The general manager may make application in writing to the board for a transfer of amounts from one appropriated item to another in the budget allowance. On the approval of the board by a four-fifths vote, the auditor shall make such transfer; but no transfer shall be made except as herein provided, and no transfer shall be made from one bond improvement fund to another in any event.

SEC. 43e. The county auditor and county treasurer of any county affected by the provisions of this act shall each annually file with the board of supervisors of the county in which such municipal port district is situated itemized statements showing the additional expenses to his office caused by the performance of the duties imposed upon him or his office under the provisions of this act, and upon the filing of such statements the board of supervisors shall, by an order spread upon its minutes, deduct such expenses from the tax money of the municipal port district and transfer the amount so deducted into the salary fund of the county; *provided, however*, that no more than one-half of one per centum on the amount so collected shall be so charged or deducted by any county. The board of supervisors of such county may provide such extra help for the county offices or officers as in their judgment may Expense of
assessment
and collec-
tion of tax.

be necessary for the proper performance of their duties hereunder. Nothing in this section, however, shall be construed to prevent the board of port commissioners and the board of supervisors of the county in which a municipal port district is situated from entering into an agreement fixing the charge which such county will make for the collection of municipal port district taxes as in this act provided, but such charge if so agreed upon shall not exceed the per centum therefor herein specified.

Redemptions
from tax
sales.

SEC. 43f. Whenever any real property situated in any municipal port district established under the provisions of this act has been sold for taxes and has been redeemed, the money paid for such redemption shall be apportioned and paid by the county treasurer receiving the same to such municipal port district in proportion which the tax due to such district bears to the county taxes for which such property was sold.

Taxes
a lien.

All taxes levied under the provisions of this act shall be a lien on the property on which they are levied and the enforcement of the collection of such tax may be made in the same manner and by the same means as is provided by law for the enforcement of liens for county taxes, and all provisions of the law relating to the enforcement of the latter are hereby made a part of this act so far as applicable.

Elections.

SEC. 44. Every election ordered, held and conducted by a municipal port district under the provisions of this act shall, except as herein otherwise provided, be so ordered, held and conducted, and the result thereof made known and declared, in the manner hereinafter specified.

Call.

(a) The board of port commissioners shall by ordinance order the holding of all municipal port district elections. Every such ordinance shall specify the object and time of holding any such election, and shall establish the election precincts, designate the polling places therefor, and appoint the officers of election for each precinct, who must be residents thereof, to conduct the holding of and make returns of such election; but no precinct shall be established in such manner that its exterior limits cross the exterior boundaries of any municipal corporation included in such municipal port district.

Consolidation
of elections.

(b) The board of port commissioners may consolidate such elections, and when any elections shall have been so consolidated, as herein provided, they shall be held, conducted and returns thereof canvassed and the result thereof declared, in all particulars the same as one election. When two or more municipal port district elections are so consolidated, it shall not be necessary to set forth the precincts, polling places and officers of election, in each ordinance calling each such election, but it shall be sufficient if such precincts, polling places and officers of election are set forth in one such ordinance and the other ordinance or ordinances make reference thereto for such purpose. Unless otherwise designated in the ordinance adopted by the board of port commissioners calling an election, the

Precincts.

voting precincts of such election shall be the precincts provided by law for the holding of state and county elections in the municipal corporations included in such municipal port district. The board of port commissioners may, in ordering the holding of any election under the provisions of this act, consolidate such voting precincts into consolidated precincts, not exceeding three for each such consolidated precinct, and shall number such consolidated precincts consecutively and each consolidated precinct so established shall for the purpose of such election be known by the number so designated. In ordering the holding of any election in a municipal port district, the board of port commissioners thereof may reduce the number of officers of election for each precinct or consolidated precincts to one judge, one inspector, and two clerks. The manner of the selection and appointment of such officers of election and their compensation shall be determined by the board of port commissioners. All ordinances ordering the holding or consolidation of elections shall be published in some daily newspapers printed, published and circulated in each municipal corporation included in the municipal port district for at least five (5) days prior to the time appointed for the holding of any election, or for at least two (2) times in a weekly newspaper printed, published and circulated in any of such municipal corporations in which there is no such daily newspaper. And if no such newspaper, either daily or weekly, is so printed, published and circulated in any such municipal corporation, such ordinance shall be posted in three public places therein not less than five days prior to such election.

Boards.

Notice.

(c) The clerk of the municipal port district shall provide for every election ballots for each election precinct or consolidated election precinct established therefor, equal to ten per cent (10%) in excess of the total number of electors registered in each such election precinct or consolidated election precinct.

Ballots.

(d) Immediately upon the arrival of the hour when the polls are required by law to be closed, the said clerk shall openly in his office and in the presence of any persons that may then and there assemble to witness his act, proceed to destroy every unused ballot which shall have remained in his possession, custody or control, and forthwith make and file in his office his affidavit in writing stating the number of ballots so destroyed.

Unused ballots.

(e) The returns of every municipal port district election shall be delivered to the clerk of the district, who shall deliver the same to the board of port commissioners for the purpose of canvassing the returns thereof. The board of port commissioners shall, within ten (10) days after any election either at a regular or special meeting canvass the returns and declare the result thereof.

Returns.

(f) Whenever requested by the clerk, the board of port commissioners shall authorize him to employ such persons in addition to the persons regularly employed in his office

Extra help for clerk.

as may be necessary to assist him in the performance of any duty imposed upon him by this act or by the board of port commissioners in connection with the examination of any petition of electors or with the conduct of any election, and the provisions of this act respecting the qualified civil service of the municipal port district shall not apply to the persons so specially employed; *provided, however*, that in the examination of petitions of electors filed with the clerk under the provisions of this act, the clerk may, with the approval of the board of port commissioners, refer the same to the registrar of voters of the county in which such port district is situated and employ such registrar to examine any such petition and certify to the sufficiency or insufficiency thereof. If any such petition is so referred the certificate of the registrar of voters thereto shall have the same force and effect as the certificate of the clerk of the port district thereto under the provisions of this act.

Conduct of elections.

(g) All municipal port district elections shall, except as in this act otherwise provided, be conducted and held in accordance with the provisions of the laws of the State of California for the holding of general or special elections in effect at the time in municipal corporations.

Registration of voters.

(h) Any person in order to be entitled to vote at any election held under this act, must be registered in the manner and have the qualifications required by the general laws of this state respecting the registration and qualification of voters for state and county elections. The registers or records of registration of electors used at any election held under the provisions of this act, shall be as provided by law for state or county elections.

Records of registration.

(i) It shall be the duty of the registrar of voters or other officers of the county in which such municipal port district is situated having custody or control thereof to furnish such registers or records or registration with proper indices thereto to the clerk of the municipal port district at least five (5) days prior to the holding of any such municipal port district election.

Supplies.

(j) All supplies for the holding of any such election shall be provided by the board of port commissioners.

Bonds legal investments.

Sec. 45. Any bonds which may be issued by any municipal port district under the provisions 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 moneys 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 moneys or funds may be invested in the said bonds of municipal port districts; *provided, however*, no bank shall invest or loan more than five per centum of its assets in any one such bond issue; and the provisions of this section are intended to be, and shall be considered and are supplemental to any

and all other acts regulating, relating to and declaring what shall be legal investments.

SEC. 46. Whenever, upon the establishment of a municipal port district, any municipal corporation included therein, shall have theretofore authorized or incurred or shall thereafter authorize or incur a bonded indebtedness for the acquisition, construction or completion of any work or improvement, or for any object or purpose for which such port district is authorized by this act to incur a bonded indebtedness, such indebtedness shall not be affected, or any obligation thereof impaired by the establishment of any port district or by any of the provisions of this act. Any such bonded indebtedness shall be and remain the indebtedness of each municipal corporation so incurring or authorizing the same, and payment thereof shall be provided for and made by such municipal corporation in all respects the same as if such municipal port district had not been established; *provided, however,* that such municipal port district shall, if there be moneys in the port district revenue fund applicable thereto, make such payments on account of the principal and interest of such bonded indebtedness as there may be moneys available therefor as hereinbefore provided.

Liability on
bonds issued
by cities for
harbor im-
provements.

SEC. 47. Whenever, upon the establishment of a municipal port district, any municipal corporation included therein shall have theretofore authorized or incurred a bonded indebtedness for any work or improvement for which such municipal port district is authorized to incur bonded indebtedness under the provisions of this act, and such municipal corporation shall thereafter sell such bonds or any portion thereof, the proceeds of the sale thereof, except as hereinafter otherwise provided, shall be paid by the custodian of such proceeds into the treasury of such municipal port district to the credit of the harbor improvement fund to be designated as the harbor improvement fund of such municipal corporation, and the same shall be applied by the board of port commissioners of such port district exclusively, in accordance with the provisions of this act, to the purposes and objects for which such bonds were authorized by the municipal corporation issuing the same, and in that part of the harbor district within the limits of such municipal corporation. In the event that any such bonds shall have been sold prior to the establishment of such municipal port district, any contract for any work or improvement or any proceedings for the acquisition of any property, to be paid for out of the proceeds thereof, remaining uncompleted at the time of such establishment, or any work or improvement then under construction directly by any such municipal corporation without contract, shall be completed by such municipal corporation, notwithstanding any other of the provisions of this act, and it shall retain such portion of the proceeds of the sale of such bonds as may be necessary for that purpose. Any surplus of the proceeds of such bonds not so required for any of said purposes, shall be paid into the treasury of the

Use of
proceeds of
bonds
issued by
cities for
harbor im-
provements.

municipal port district, to be expended as in this act provided, but in that part of the harbor district within the limits of such municipal corporation. No act done or performed in accordance with the provisions of this section shall affect or impair in any manner the validity of any bonds mentioned herein.

If such municipal port district shall consist of two municipal corporations, the proceeds of the sale of the bonds mentioned in this section and in section forty of this act, except such portion thereof as may be retained by the municipal corporation authorizing such bonds for payments for works or improvements or in proceedings for the acquisition of property in course of acquisition or construction and uncompleted at the time of the establishment of such district as hereinbefore in this section provided, shall be expended under the supervision and direction of the members of the board of port commissioners elected or appointed from each such municipal corporation respectively, who shall constitute a committee of the board for that purpose. All contracts for the acquisition, construction or completion of any work or improvement for which such bonds were authorized, or for furnishing labor or materials thereof, and all proceedings for doing any such work directly without contract, or for the acquisition of any property necessary for any such work or improvement, shall be let or authorized, as the case may be, by the aforesaid committee, consisting of the members of the board so elected or appointed from each such municipal corporation respectively, who shall, in all matters pertaining thereto, have and be vested with all the powers and perform all the duties of the board of port commissioners with respect to the letting of contracts and the doing of work for the municipal port district as provided in sections forty-eight and forty-nine of this act and with respect to action on claims and demands therefor, as provided in section fifty-three of this act. In case such committee consists of two members of the board, and they are unable to agree in any matter, the three other members of the board shall designate one of their number to act as a third member of such committee as to such matter, which shall be decided by a majority vote of such committee.

In the event that such municipal port district shall consist of more than two municipal corporations, the proceeds of the sale of such bonds shall be expended by the board of port commissioners in the same manner as in the case of the proceeds of bonds issued by the municipal port district under the provisions of this act.

SEC. 48. All contracts by any municipal port district for the construction or completion of any public work or improvement by such district, or for furnishing labor or materials therefor as herein provided, or for other purposes, shall, except as herein otherwise provided, be let by the board of port commissioners on behalf of the district as hereinafter provided; *provided*, that the general manager may, when author-

ized by the board of port commissioners, without awarding a contract for the construction or completion of any public work or improvement, or for furnishing labor or material therefor as herein provided, do any of said work directly, and the general manager shall have the power, when such board so authorizes, to do said work directly, to purchase the materials, hire the labor and do all other things necessary for the doing of said work; *and provided, further*, that when any of said work is to be done and performed by such municipal port district jointly with the government of the United States, the portion of the cost thereof to be borne by such port district may be turned over to the government of the United States to be expended by it in the performance of said work.

SEC. 49. Every contract involving an expenditure of more than one thousand dollars (\$1,000) shall, except in cases of urgent necessity, as provided in section fifty of this act, be made in writing, the draft whereof shall be approved by the board, and signed on behalf of the port district by the president of the board, or some other person authorized thereto by resolution of the board, and countersigned by the clerk; *provided, however*, that the approval of the attorney of any such contract as to form, as required by this act, shall be endorsed thereon before the board shall have power to approve the same.

Contracts
in writing.

SEC. 50. A municipal port district shall not be, and is not bound by any contract, involving any expenditure of more than one thousand dollars (\$1,000) unless the board of port commissioners shall have first caused notice to be published one or more times in a daily newspaper, or if there be no such daily newspaper, then in a weekly newspaper printed and published in said district, or if no such newspaper, either daily or weekly, is so published, then by posting such notice in a conspicuous place in or near the office of said board, inviting proposals to perform the same, and specifying the amount of the bond to be given for the faithful performance of the contract, and thereafter shall have let said contract to the lowest regular responsible bidder furnishing security for its performance satisfactory to the board. The right to reject any and all proposals shall, in every case, be reserved. Every such proposal shall be filed with the clerk of the municipal port district and be accompanied by a check certified by a responsible bank in the municipal port district, payable to the order of such port district for an amount not less than ten per cent of the aggregate sum bid, or by a satisfactory bond for the said amount, and so payable, as a guarantee that the bidder will enter into the proposed contract if the same be awarded to him. No bid shall be considered unless the same is accompanied by such check or bond. The bid of any party who has been delinquent or unfaithful in the performance of any former contract with the port district shall be rejected. If the successful bidder fails within ten (10) days after the contract is awarded to him to enter into the same or to furnish the bond required for the faithful performance thereof,

Letting of
contracts.

executed by the contractor and by a responsible surety company, or by two or more sufficient sureties approved by the board, then the certified check accompanying his bid shall be presented for payment and collected, and the amount thereof paid into the revenue fund of the port district; *provided, however*, that the provisions of this section requiring the publication of notice inviting the proposals and the letting of contracts to the lowest bidder, shall not apply to contracts for the performance of professional, scientific, technical or expert services of a temporary and occasional character, or for the furnishing of articles covered by letters patent granted by the government of the United States, or for the leasing or purchasing of real property, when approved by a majority vote of the board; *and provided further*, that contracts in writing or otherwise may be let without advertising for or inviting bids, when any repairs, alterations, work or improvement shall be deemed of urgent necessity by said board and such method of letting contracts therefor is approved by three-fifths vote of all its members. Contracts involving an expenditure of one thousand dollars or less shall be let by the board or by the general manager, when he is authorized so to do by the board, in such manner as such board shall by ordinance prescribe.

Bids.

SEC. 51. In all cases where bids are not required by this act to be advertised for, bids, either advertised for or not advertised for, shall be obtained as far as reasonably practicable and compatible with the interests of the municipal port district, and a public record of such bids be kept. The right to reject any and all bids shall be reserved in all cases.

Affidavit of bidder.

SEC. 52. Every proposal referred to in section fifty of this act to perform a contract with a municipal port district shall have thereon, or attached thereto, the affidavit of the bidder that such proposal is genuine, and not sham or collusive, nor made in the interest or in behalf of any person not therein named, and that the bidder has not directly or indirectly induced or solicited any other bidder to put in a sham bid, or any other person, firm or corporation to refrain from bidding, and that the bidder has not in any manner sought by collusion to secure for himself an advantage over any other bidder. Any bid made without such affidavit, or in violation thereof, shall not be considered. If at any time it shall be found that the person, firm or corporation to whom a contract has been awarded has, in presenting any bid or bids, colluded with any other party or parties, then upon the entry of such finding on the records of the board, the contract so awarded shall be voidable at the option of the board, and the contractor and his bondsmen shall be liable to the municipal port district for all loss or damage which the municipal port district may suffer thereby; and the board may advertise for a new contract. Any contractor making a false affidavit may be excluded from future bidding.

Penalties.

Claims and demands.

SEC. 53. All claims and demands against a municipal port district, except coupons for interest and installments of the principal on bonds payable by such district, shall be paid only

on demands as herein provided on forms and blanks to be prescribed by the auditor of the district. Each such claim or demand shall be first presented to and approved in writing by the board of port commissioners or by the officers or employee authorized by this act to incur the expenditure or liability represented thereby. In all cases the date of such approval shall be given. All demands approved by the board of port commissioners or by any officers or employee of the municipal port district shall be presented to the auditor who shall satisfy himself whether the money is legally due and remains unpaid and whether the payment thereof from the treasury of the district is authorized by law and out of what fund. If he approve it, he shall endorse upon it the word "approved" with the designation of the fund out of which it is payable and sign his name thereto, provided that such approval by the auditor shall be valid only for such amount as shall have been approved by the board or by the officer or employee approving the same. If in the judgment of the auditor, such demand should be allowed only for a less amount than approved by such board or by such officer or employee, or if he shall disapprove such demand, he shall transmit the same to the board of port commissioners with his reasons for disapproval. Any demand transmitted to the board of port commissioners by the auditor shall be promptly considered by such board together with the objection of the auditor thereto. The board of port commissioners may overrule or sustain the objections of the auditor to said demand and its acceptance shall be endorsed thereon, certified by the signatures of the president of the board and the clerk, and the demand shall thereupon be returned to the auditor. If the action of the board is to overrule the objection of the auditor, he shall make a record of the demand as in the case of demands approved by him, and if the action of the board is to sustain the objection of the auditor he shall file said demand. No demand shall be approved or audited unless it specify each separate item with the date and amount thereof. The auditor must keep a record of all demands on the treasury approved by him or his objections to which have been overruled, showing the number, date, amount and name of the payee thereof, on what account allowed and out of what funds payable, and it shall be a misdemeanor in office for the auditor to deliver any demand with his approval thereon, or otherwise, until this requirement has been complied with. Every lawful demand upon the treasury of a municipal port district shall in all cases be paid on presentation and cancelled, and the proper entry thereof be made if there be sufficient money in the treasury belonging to the fund out of which it is payable, but if there be not sufficient money belonging to said fund to pay such demand, then it shall be registered in a book to be kept by the treasurer for that purpose, showing its number, when presented, dated, amount, name of payee, and on what account allowed and out of what fund payable, and when so

registered it shall be returned to the party presenting it with the endorsement of the word "registered", dated and signed by the treasurer. All registered demands shall be payable in the order of their registration. Nothing in this section contained shall be construed to prevent the payment by the treasurer of bonds of the municipal port district or of boards of municipal corporations in such districts and interest coupons thereof, in accordance with the constitution of the state and the provisions of this act authorizing the issuance and payment of such bonds.

The salaries or wages of all officers and employees of the municipal port district shall be paid either monthly, semi-monthly, or weekly, as the board of port commissioners may by ordinance determine.

Civil
service.

SEC. 54. All appointments to offices or positions in the service of any municipal port district, excepting for the offices of general manager, clerk, auditor, chief engineer, attorney and treasurer of such port district, shall be made by the board from a classified civil service for employees of such port district to be established by the board of port commissioners. The board of port commissioners shall, by ordinance, establish classes for all offices and places of employment other than the offices hereinbefore specified, and prescribe rules and regulations for the government of such classified civil service. Such rules and regulations shall provide:

(1) For the qualifications and examination of all applicants for positions or employment and for the employment of persons on probation;

(2) For the registration of persons, other than unskilled laborers, in the classified civil service, in accordance with their general average standing upon examination;

(3) For promotions on the basis of ascertained merit and seniority in service and examination, and for competitive examinations for promotions;

(4) For the re-assignment of persons injured in the service of the port district who are actually engaged in the discharge of the duties of their positions;

(5) For leaves of absence;

(6) For the transfer from one position to a similar position of the same class;

(7) For the reinstatement to the list of eligibles, on recommendation of the general manager, of persons who have become separated from the service or have been reduced in rank therein, other than of persons who have been removed for cause;

(8) For the keeping of service records of all employees in the civil service, and for the use thereof as one of the basis for promotions or lay-offs through stoppage or lack of work;

(9) For the procedure for the removal, discharge or suspension of employees; for the investigation by the board of the grounds thereof, and for the reinstatement or restoration to duty of persons found to have been removed, discharged or

suspended for insufficient grounds or for reasons that are not sustained upon such investigation;

(10) And generally for any other purpose that may be necessary or appropriate to carry out the objects and purposes of such civil service system and of the rules herein specifically authorized.

Upon the request of the general manager, the following persons may be exempted by the board, by ordinance, from the provisions of this section: (a) Persons employed to render professional, scientific, technical or expert service of a temporary or exceptional character; (b) the first and second deputies or assistants of any officer of the port district or of the chief engineer in the services of the district; (c) persons employed on the construction of port district works, improvements, buildings or structures; (d) persons receiving a salary not exceeding fifty dollars per month; and any exemption so made may be terminated at any time by resolution of the board of port commissioners.

SEC. 55. All officers and employees who, at the time of the establishment of any municipal port district under the provisions of this act would be included in the classified civil service of such port district, and who have been continuously in the service of the harbor department of any municipal corporation included in such port district for a period of six months prior to the establishment of such port district, shall be deemed to have the necessary qualifications required by the provisions of this act, and shall retain the same respective or equivalent positions as nearly as practicable under the port district which they formerly held in such municipal corporation. All such officers and employees who, at the time of the establishment of any municipal port district, would be included in the classified civil service thereof, but who have been in the service of the harbor department of any such municipal corporation for a period of less than six months prior thereto, shall be deemed to be in the service of such port district under probation, and be subject to the same regulations as other applicants for appointment to the civil service of the port district serving under probation in accordance with rules and regulations established by the board of port commissioners therefor.

Officers and employees who hold over.

SEC. 56. The board of port commissioners or other officers of the port 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.

Void debts.

SEC. 57. No member of the board of port commissioners or any other officer of a municipal port district shall be financially interested, directly or indirectly, in any contract, sale, purchase or transaction to which the municipal port district is a party, and no member of such board or other officer shall vote on or participate in any such contract, sale, purchase or transaction in which he is financially interested, directly or

Interest of officers in contracts, etc.

indirectly. If any member of such board or any such other officer, shall, during the term for which he was appointed or elected, so vote or participate, he shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, forfeit his office, and be punishable by a fine not exceeding \$500.00 or by imprisonment for a period not exceeding six months in the county jail of the county in which such municipal port district is situated. Any such contract, sale, purchase or transaction shall be and become void at the election of the municipal port district, declared by resolution of the board of port commissioners.

Actions based on claims or demands.

SEC. 58. No suit shall be brought against a municipal port district on any claim for money or damages until a claim or demand therefor setting forth with reasonable certainty the various items of the claim or demand, and verified by the claimant or his or its authorized agent, has been presented to the board of port commissioners, and rejected in whole or in part. In case the board of port commissioners shall fail or refuse to allow or reject such claim, either wholly or in part, for a period of six months after its presentation, such failure or refusal shall, upon the expiration of such period, be deemed a rejection of the claim. All claims against a municipal port district must be presented to the board of port commissioners and filed with the clerk of the district within one year after the debt or the last item thereof for which the claim is made shall have been incurred, or within one year after the occurrence or transaction from which any damages are claimed to have arisen. Otherwise there shall be no recovery on any such claim.

Effect of act.

SEC. 59. Nothing in this act shall be so construed as repealing, modifying or otherwise affecting the provisions of any other act relating to port districts or harbor districts other than municipal port districts or the establishment thereof, and no other act providing for the establishment of port districts or harbor districts, other than municipal port districts, shall repeal, modify or otherwise affect this act or any of the provisions hereof.

Constitutionality.

SEC. 60. 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, sentence, clauses or phrases be declared unconstitutional.

Definitions.

SEC. 61. The term "municipal corporation" as used in this act shall be understood and construed to include, and is hereby declared to include any incorporated city or town. The word "district" shall apply, unless otherwise expressed or used, to a municipal port district formed under the provisions of this act. The word "board" and the words "board of port commissioners", shall apply to the board of port commissioners of

such district. Whenever a municipal corporation is referred to in this act as the "larger" or "largest", the "smaller" or "smallest" municipal corporation, such words shall be deemed to mean the municipal corporation having the larger or largest, the smaller or smallest population as shown by the last federal census.

SEC. 62. This act shall be known and may be designated Short title. and referred to as "The municipal port district act."

CHAPTER 396.

An act to amend section two thousand two hundred seven j and to add a new section to be numbered two thousand two hundred seven l, of the Political Code, relating to the disposition of moneys received by the Industrial Home for the Blind.

[Approved by the Governor May 23, 1925.]

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

SECTION 1. Section two thousand two hundred seven j, of the Political Code is hereby amended to read as follows:

2207j. Every officer and employee of the home and any other person acquiring possession by any means whatever of moneys belonging to the state, except appropriations and moneys otherwise provided for by law to be deposited to the credit of the Industrial Home for the Adult Blind revolving fund and amusement fund, must at the close of each month deliver the same to the secretary, accompanied by a statement thereof verified by his oath, taking the secretary's receipt therefor. Disposition of moneys received.

The secretary must at least once in every month forward to the state treasurer all moneys in his charge belonging to the state. The secretary of the board must at the same time forward to the state controller a statement thereof verified by his oath. All such moneys received by the state treasurer must be placed to the credit of the general fund except as hereinbefore provided.

SEC. 2. A new section to be numbered 2207l is hereby added to the Political Code to read as follows:

2207l. A revolving fund is hereby created for the manufacturing departments of the Industrial Home for the Adult Blind to be known as the Industrial Home for the Adult Blind revolving fund. Any moneys which may be hereafter appropriated or allotted for the use of this fund shall be deposited therein not to exceed twenty-five thousand dollars. Said fund shall be used to meet the expenses necessary in the purchase of materials and equipment and for maintenance of the manufacturing departments of the Industrial Home for the Adult Blind. The moneys received from the sale of any goods manufactured in said manufacturing departments of the Industrial Home for the Adult Blind, shall be placed to the credit of the Revolving fund.

said revolving fund. After an audit of said revolving fund by the public accountants of the division of budgets and accounts of the state department of finance any balance or surplus standing to the credit of said revolving fund in excess of twenty-five thousand dollars shall be paid into the state treasury to the credit of the general fund.

CHAPTER 397.

An act to amend section four thousand two hundred fifty-five of the Political Code, relating to the salaries, fees and expenses of officers in counties of the twenty-sixth class.

[Approved by the Governor May 23, 1925.]

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

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

Counties of
26th class:
salaries and
fees of
officers.

4255. In counties of the twenty-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, fees and expenses, to wit:

Clerk.

1. The county clerk three thousand dollars per annum, and shall be allowed in addition the sum of six hundred dollars a year for every year that an election is held throughout the State of California; he shall be allowed in addition the sum of ten cents per name for each voter registered in the county, which shall be in full for all service required in registering voters and making up the great register and performing all other acts incident to or pertaining to elections; *provided, further,* that in counties of this class there shall be and there is hereby allowed to the county clerk, two deputies and one copyist, who shall be appointed by the county clerk, and who shall be paid the following compensation, one at one thousand eight hundred dollars per annum, one at one thousand five hundred dollars per annum, and one at nine hundred dollars per annum. All deputies and copyists shall be paid in the same manner and out of the same funds as the salary of the county clerk is paid.

Sheriff.

2. Sheriff, three thousand dollars per annum; *provided,* that there shall be and there is hereby allowed to said sheriff an undersheriff who shall receive a salary of one thousand eight hundred dollars per annum, and one deputy sheriff, who shall act as night jailer, at a salary of one thousand five hundred dollars per annum, and three deputy sheriffs who shall receive salaries of one hundred eighty dollars each per annum; also three deputies who shall receive a salary of two thousand four hundred dollars per annum each and two deputies for eight months out of each year who shall receive salaries of two hundred per month each for each month so employed. Each of the last named five deputy sheriffs shall provide his own motorcycle while employed as such deputy and they shall

also provide all necessary gas and oil while so employed. The said undersheriff and the said deputies to be appointed by the sheriff and the salaries of whom 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 the county in and for which the sheriff is elected. It is hereby found as a fact that the provisions in this section do not work an increase in compensation of the office and is intended that the same shall apply immediately to the present incumbent.

3. The recorder two thousand four hundred dollars per annum and he shall be allowed the following deputies who shall be appointed by said recorder and shall be paid salaries and compensation as follows: One deputy salary of one thousand eight hundred dollars per annum, one index deputy at a salary of one thousand five hundred dollars per annum, one comparing deputy at a salary of one thousand two hundred dollars per annum. Said recorder may also employ as many copyists as may be required for the recording of all papers, notes or documents in his office and whose compensation in the aggregate shall not exceed the sum of three thousand dollars. Recorder.

4. The auditor three thousand dollars per annum; *provided, further*, in counties of this class the auditor shall be allowed one deputy at one hundred dollars per month and he shall be allowed the further sum of six hundred dollars for extra help. The deputy to be appointed by the auditor and be paid out of the same fund as the auditor's salary is paid. Auditor.

5. In counties of this class the treasurer shall be tax collector and he shall receive a salary of three thousand dollars per annum. He shall be allowed one deputy at a salary of one thousand eight hundred dollars per annum, one deputy at a salary of one thousand two hundred dollars, and such extra help as may be necessary, not to exceed three hundred dollars in one calendar year. Treasurer.

6. The assessor, three thousand dollars per annum; *provided*, that in counties of this class the assessor shall be allowed one office deputy at a salary of one thousand two hundred dollars per annum; one deputy and draftsman at a salary of one thousand eight hundred dollars per annum; and one expert rural appraiser who would be employed the entire year at an annual salary of one thousand eight hundred dollars and necessary equipment to perform the duties of his office. Said deputy and said deputy and draftsman shall be appointed by said assessor and said salaries shall be paid by said county at the same time and in the same manner and out of the same funds as the salary of the assessor is paid; Assessor.

and provided, further, that said assessor shall be allowed such field deputies, assistants, clerks and copyists as he may require and whose compensation in the aggregate shall not exceed the sum of five thousand dollars in any one year. Said field deputies, assistants, clerks and copyists shall be appointed by the said assessor and their salaries shall be paid by said county, in monthly installments, at the same time and in the same manner and out of the same funds as the assessor is paid, upon the assessor duly certifying to the county auditor, the names of, the position filled and the amount due to each. It is hereby found as a fact that the changes provided for in this section do not work an increase in compensation for the officer, and it is intended that the same shall apply immediately to the present incumbents.

Attorney.

7. The district attorney two thousand four hundred dollars per annum; *provided*, in counties of this class there shall hereby be allowed to the district attorney, two deputies, each to receive a salary of six hundred dollars per year; *provided*, that one of these deputies shall be employed in a place other than the county seat. In addition to the two deputies the district attorney shall be allowed a clerk and stenographer who shall be paid an annual salary of one thousand two hundred dollars. All the salaries herein provided shall be paid in monthly installments out of the same fund as the district attorney's salary is paid. The said stenographer shall perform all services required by the district attorney in his official capacity in civil and criminal actions in which the county is interested. The deputies shall be admitted to practice law.

Coroner.

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

Public administrator.

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

Supt. of schools.

10. The superintendent of schools, two thousand one 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 deputy which office is hereby created, at a salary of one thousand two hundred dollars per annum, and who shall be appointed by the 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.

Surveyor.

11. The county surveyor shall receive three thousand dollars per annum. The surveyor shall be allowed a clerk and stenographer at an annual salary of one thousand two hundred dollars.

Supervisors.

12. Board of supervisors, each member of the board of supervisors one hundred twenty-five dollars per month and no mileage, which shall be in full for all services and expenses incurred within the county; *provided*, that whenever it shall be necessary for any member of the board of supervisors to

leave the county in and for which he is elected for the purpose of performing any of his duties, that then and in that event, said supervisor shall be allowed his actual expenses.

The supervisors while acting as road commissioners shall give their personal attention to the repair, maintenance, construction and improvement of all roads under their supervision. The supervisors in addition to the meetings otherwise provided by law shall meet on the seventh of each month or on the next legal day following the seventh.

13. In counties of this class there shall be two judicial townships and the board of supervisors shall on or before the first day of July, 1926, so designate and fix the boundaries thereof. Townships which shall contain a city of the fifth class shall be a township of the first class and the other shall be a township of the second class. In townships of the first class the justice of the peace shall receive a salary of three thousand dollars per annum and clerical help not to exceed three hundred dollars in each year. In townships of the second class the justice shall be paid a salary of one thousand five hundred dollars per annum and the board of supervisors shall provide him with the necessary office room.

Judicial townships.

Justices of the peace.

14. In each of the townships herein provided for, there shall be one constable who shall receive a salary of one thousand two hundred dollars per annum; *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 incurred for the services of the warrant of arrest or any other process in a criminal case (where said service is in fact made) his actual expenses each way for each mile traveled outside of the county both going to and returning from the place of arrest or other services of process; also the transportation of prisoners to the county jail, the 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, and also all fees now allowed him by law for the arrest of violators of the fish and game laws.

Constables.

15. The official reporter of the superior court shall receive the fees allowed by law.

Reporter.

16. 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 for 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 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

Compensation in full.

Disposition of receipts.

property of the county, in counties of this class, and shall be paid into the county treasury by said officers 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, treasurer, district attorney, county surveyor 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, treasurer, 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, five, seven and ten of this act.

Extra com-
pensation.

17. All officers who are allowed extra compensation for carrying out the work of their offices shall certify to the auditor the names of the persons to whom the money is paid and the amount, but in no event shall any person be allowed a greater per diem than three dollars for office work.

Jurors.

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

Effective.

19. All changes in increases of compensation of deputies is intended to take effect immediately.

CHAPTER 398.

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

[Approved by the Governor May 23, 1925.]

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

Stats. 1915,
p. 153,
amended.

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

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

Sec. 52½. No public utility shall henceforth assume any obligation or liability as guarantor, indorser, surety or otherwise in respect of the securities of any other person, firm or corporation, when such securities are payable at periods of more than twelve months after the date thereof, without having first secured from the railroad commission an order authorizing it so to do. Every such assumption made other than in accordance with the order of the railroad commission authorizing the same shall be void.

Utility as
guarantor of
securities.

CHAPTER 399.

An act to amend sections one, two, and two and one-half, three, five, seven, nine, fifteen, seventeen, twenty-one and three-fourths, twenty-two, twenty-nine, thirty, thirty-one, thirty-eight, thirty-nine, forty-five, and forty-six and to repeal sections thirty-two and thirty-eight of an act entitled "An act to divide the State of California into fish and game districts and to repeal an act entitled 'An act to divide the State of California into fish and game districts' and to repeal an act entitled 'An act to divide the State of California into six fish and game districts,' approved March 21, 1911, and all acts or parts of acts inconsistent herewith," approved May 28, 1917, as amended, and to add seven new sections to be numbered two a, fourteen a, fourteen b, fourteen c, fourteen d, twenty-one a and twenty-two a.

[Approved by the Governor May 23, 1925.]

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

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

Stats. 1921,
p. 195,
amended.

Section 1. The State of California is hereby divided into fish and game districts to be known and designated as: Fish and game district one, fish and game district one and one-half, fish and game district one and three-quarters, fish and game

State
divided into
fish and
game
districts.

district one "A", fish and game district one "B", fish and game district one "C", fish and game district one "D", fish and game district one "E", fish and game district one "F", fish and game district one "G", fish and game district one "H", fish and game district one "I", fish and game district one "J", fish and game district one "K", fish and game district one "L", fish and game district one "M", fish and game district one "N", fish and game district one "O", fish and game district one "P", fish and game district one "Q", fish and game district two, fish and game district two and one-half, fish and game district two "A", fish and game district three, fish and game district three "A", fish and game district three "B", fish and game district three "C", fish and game district three "D", fish and game district three "E", fish and game district three "F", fish and game district three "G", fish and game district four, fish and game district four and one-half, fish and game district four and three-quarters, fish and game district four "A", fish and game district four "B", fish and game district four "C", fish and game district four "D", fish and game district four "E", fish and game district four "F", fish and game district five, fish and game district five "A", fish and game district six, fish and game district seven, fish and game district seven "A", fish and game district eight, fish and game district nine, fish and game district ten, fish and game district eleven, fish and game district twelve, fish and game district twelve "A", fish and game district twelve "B", fish and game district thirteen, fish and game district fourteen, fish and game district fifteen, fish and game district sixteen, fish and game district seventeen, fish and game district eighteen, fish and game district nineteen, fish and game district twenty, fish and game district twenty "A", fish and game district twenty-one, fish and game district twenty-two, fish and game district twenty-three, fish and game district twenty-four, fish and game district twenty-five and fish and game district twenty-six.

Stats. 1921,
p. 196,
amended.
District
one.

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

Sec. 2. Fish and game district one shall consist of and include the following counties: Yuba, Calaveras, Tuolumne, Mariposa, Madera and Kings; those portions of Trinity county not included in fish and game district one "D"; those portions of Shasta county not included in fish and game district one "E"; those portions of Tehama county not included in fish and game districts one "G" and twelve "A"; those portions of Plumas county not included in fish and game districts one "H", one "P" and twenty-five; those portions of Butte county not included in fish and game districts twelve "A"; those portions of Sutter county not included in fish and game districts twelve "A"; those portions of Sierra and Nevada counties not included in fish and game district twenty-three; those portions of Placer county not included in fish and game districts one "I" and twenty-three; those portions of El Dorado county not included in fish and game district one "O" and

twenty-three; those portions of Sacramento county not included in fish and game district twelve "A" and twelve "B"; those portions of Amador county not included in fish and game districts one "J" and twenty-four; those portions of Alpine county not included in fish and game districts one "J" and twenty-four; those portions of San Joaquin county lying east and north of the east or right-hand bank of San Joaquin river and not included in fish and game districts three and twelve "B"; those portions of Stanislaus county lying east of the west bank of San Joaquin river; those portions of Merced county lying east of the west bank of the San Joaquin river; those portions of Fresno county lying east of the west bank of Fresno slough, Fish slough and Summit lake, not included in fish and game districts one "K" and twenty-six; those portions of Kings county east of the main power line of the San Joaquin Light and Power Company, crossing the north line of Kings county, in section four, township eighteen south, range nineteen west, Mount Diablo base and meridian, and crossing the south line of said county on the section line between sections thirty-three and thirty-four, township twenty-four south, range nineteen west, Mount Diablo base and meridian; those portions of Kern county lying east of the west bank of Bull slough and the west and south banks of Buena Vista lake to the southeast corner of the lake and lying north of a line extended from this point directly east and intersecting the Tejon state highway and lying east of the said state highway from the above-mentioned point of intersection to where the said state highway crosses the northern boundary line of Los Angeles county, not included in fish and game districts one "I" and one "M" and those portions of Tulare county not included in fish and game district one "L".

SEC. 3. Section two and one-half of said act is hereby amended to read as follows:

Stats. 1010,
p. 432,
amended.
District 13.

Sec. 2 $\frac{1}{2}$. Fish and game district one and one-half shall consist of and include those portions of Del Norte county not included in fish and game districts five, five "A" and six; those portions of Siskiyou county not included in fish and game districts one "A" and one "N"; those portions of Humboldt county not included in fish and game districts six, seven, seven "A", eight and nine.

SEC. 4. A new section is hereby added to said act, to be known as section two a and to read as follows:

Stats. 1917,
p. 1048,
amended
District 13.

Sec. 2a. Fish and game district one and three-quarters shall consist of and include those portions of Modoc county not included in fish and game districts one "B" and one "C"; those portions of Lassen county not included in fish and game districts one "F", one "Q" and twenty-five.

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

Stats. 1917,
p. 1048,
amended.
District
1 "A."

Sec. 3. Fish and game district one "A" shall consist of and include all lands lying within the county of Siskiyou within the following boundaries: Beginning at the junction of

Beaver creek and the north line of the Klamath river state highway; thence following the northerly line of the state highway to its junction with the Horse Creek road; thence following the easterly line of said Horse Creek road to its junction with Buck Horn creek; thence following Buck Horn creek to its source; thence to the summit of the Siskiyou mountains; thence following the summit of said Siskiyou mountains to the head of the west fork of Beaver creek; thence following down the west fork of Beaver creek to Beaver creek; thence down said Beaver creek to the point of beginning.

Stats. 1917,
p. 1049,
amended.

District
1 "C."

Sec. 6. Section five of said act is hereby amended to read as follows:

Sec. 5. Fish and game district one "C" shall consist of and include all lands lying within the county of Modoc within the following boundaries: Commencing at the boundary of the Modoc national forest on the east side of section twenty-eight, township forty-two north, range fourteen east, where Parker creek crosses the national forest boundary and following thence the south fork of Parker creek to the summit of the Warner mountains; thence along summit of said Warner mountains to the headwaters of Mill creek, following course of Mill creek to Mill creek ranger station and Mill creek stock corrals in approximately section fifteen, township forty north, range fifteen east, Mount Diablo meridian (unsurveyed); thence along road running from Mill creek ranger station and stock corrals north of Cantrall's sawmill to the Bowman ranch, thence along same road to the Modoc national forest boundary on the center line of section thirty-three, township forty-one north, range fourteen east; thence north along said national forest boundary to Parker creek, the point of beginning.

Stats. 1917,
p. 1049,
amended.

District
1 "E."

Sec. 7. Section seven of said act is hereby amended to read as follows:

Sec. 7. Fish and game district one "E" shall consist of and include all lands lying within the county of Shasta within the following boundaries: Beginning at a point on the McCloud river where the ridge between Chatterdown creek and Clayborn creek meets the McCloud river; thence in a southerly direction following the east bank of said river to the point where the ridge north of Mathless creek meets the McCloud river; thence in an easterly direction along the summit of said ridge and along the summit of the ridge dividing the Salt creek drainage area from the Nasoni creek drainage area; thence along the summit of the ridge dividing the Salt creek drainage area and the north fork of Squaw creek to Squaw creek; thence northerly along the west bank of said creek to Fish camp at the beginning of Camp Welcome trail, thence following the southerly side of said trail to the summit of the divide between Clayborn creek and Chatterdown creek, thence westerly along the summit of said divide to the McCloud river the point of beginning.

SEC. 8. Section nine of said act is hereby amended to read as follows: Stats. 1919,
p. 429,
amended.

Sec. 9. Fish and game district one "G" shall consist of and include all lands within the county of Tehama within the following boundaries: Commencing at a point in section eighteen where Deer creek crosses the west township line of township twenty-five north, range two east, Mount Diablo meridian; thence north along the west township line of townships twenty-five, twenty-six and twenty-seven north, range two east, Mount Diablo meridian, to the northeast corner of section thirty-six, township twenty-seven north, range one east, Mount Diablo meridian; thence west along the north line of said section thirty-six to its intersection with the center line of Mill creek; thence northerly and easterly along the center line of said Mill creek to where it is crossed by the Red Bluff-Chester highway between Morgan's and Childs in township twenty-nine north, range four east, Mount Diablo meridian; thence along and following said highway easterly and southerly to its junction with the road running down the north fork of Deer creek; thence along the road southerly down the north fork of Deer creek to where said road crosses the north fork of Deer creek at or near Gurnseys in township twenty-eight north, range five east, Mount Diablo meridian; thence southerly down the center line of the north fork of Deer creek to its junction with Deer creek; thence southerly and westerly down Deer creek following the center line thereof to the point of beginning.

District
1 "G."

SEC. 9. A new section is hereby added to such act to be known as section fourteen a and to read as follows: Stats. 1917,
p. 1052,
amended.

Sec. 14a. Fish and game district one "N" shall consist of and include all lands lying within the county of Siskiyou within the following boundaries: Beginning at the sink of the Antelope in section six, township forty-four north, range one east; thence southerly following the east bank of Antelope creek to the Antelope ranger station in section thirty-two, township forty-four north, range one east; thence southerly following the east side of the road to Tennant to the junction of said Tennant road with the Steavens pass road; thence southerly following the east side of the Steavens pass road to where said road crosses the township line between township forty-two and township forty-three north, range one west; thence easterly along the township line between township forty-two and township forty-three north, to the southeast corner of township forty-three north, range one east; thence northerly along township line between township one and two east to the northwest point of section eighteen, township forty-three north, range two east; thence easterly along the northern boundaries of sections eighteen, seventeen, sixteen, fifteen and fourteen of said township to Pumice Stone well; thence easterly along the north side of wagon road from Pumice Stone well to Medicine lake; thence northerly along the westerly side of wagon road from Medicine lake via Ice cave,

District
1 "N."

passing through township forty-four north, range three east, township forty-four north, range four east, township forty-five north, range four east, through the northeast corner of township forty-five north, range three east and through township forty-six north, range three east to where said road crosses the township line between townships forty-six and forty-seven north; thence following said township line westerly to the easterly side of the main road between McDoel and Merrill; thence following southeasterly side of said road to the sink of Antelope, the point of beginning.

Stats. 1917,
p. 1052,
amended.
District
1 "O."

SEC. 10. A new section is hereby added to said act to be known as section fourteen *b* and to read as follows:

Sec. 14*b*. Fish and game district one "O" shall consist of and include all that certain territory within the county of El Dorado within the following boundaries: Commencing at the junction of Silver creek with the south fork of the American river in section twenty-four, township eleven north, range twelve east; thence following easterly the American river to where said river crosses the Tahoe state highway; thence following the northerly side of said Tahoe state highway to Georgetown junction; thence northerly following the westerly side of the Georgetown Junction-Wilson road to Wilson; thence northerly following the westerly side of the Wilson-Blakely road to where said road crosses the north fork of Silver creek in section nineteen, township twelve north, range fifteen east; thence following westerly down the north fork of Silver creek to Silver creek; thence westerly down Silver creek to the American river, the point of beginning.

Stats. 1917,
p. 1052,
amended.
District
1 "P."

SEC. 11. A new section is hereby added to said act to be known as section fourteen *c* and to read as follows:

Sec. 14*c*. Fish and game district one "P" shall consist of and include all lands within the county of Plumas, lying within the following boundaries: Beginning at the junction of the Milford-Beekwith road and the Last Chance-Doyle road, thence following the easterly side of the said Milford-Beekwith road to its junction with the Dixie Valley-Frenchman's Cove road; thence following the easterly side of the Dixie Valley-Frenchman's Cove road to its junction with the Little Last Chance road; thence following the westerly side of the Little Last Chance road to its junction with the Last Chance-Doyle road; thence following the westerly side of the Last Chance-Doyle road to the place of beginning.

Stats. 1917,
p. 1052,
amended.
District
1 "Q."

SEC. 12. A new section is hereby added to said act to be known as section fourteen *d* and to read as follows:

Sec. 14*d*. Fish and game district one "Q" shall consist of and include all lands within the county of Lassen lying within the following boundaries: Beginning at the southeast corner of section twelve, township thirty-four north, range seventeen east, thence following Painter creek to the northwest corner of section eleven, township thirty-four north, range sixteen east, thence west along the left side of the Spanish Springs road to Spanish Springs; thence south following the

easterly side of the county road through Secret valley via the McKessick ranch and Mud Flat to the crossing of the N. C. & O. railroad near Murray Switch; thence following the easterly line of the right of way of the N. C. & O. railroad to Wendell; thence following the northerly line of the right of way of the Southern Pacific railroad to the Nevada-California state line; thence northerly along the Nevada-California state line to the southeast corner of section twelve, township thirty-four north, range seventeen east of the Mount Diablo base and meridian, the point of beginning.

SEC. 13. Section fifteen of said act is hereby amended to read as follows: Stats. 1917,
p. 1052,
amended.
District 2.

Sec. 15. Fish and game district two shall consist of and include all those portions of Mendocino county not included in fish and game districts ten, two and one-half and two "A"; all those portions of Glenn county not included in fish and game districts two "A" and twelve "A"; all those portions of Lake county not included in fish and game district two "A"; all those portions of Colusa county not included in fish and game districts twelve "A"; all those portions of Yolo county not included in fish and game district twelve "A" and twelve "B"; all those portions of Solano county not included in fish and game districts twelve and twelve "B"; all those portions of Napa county not included in fish and game district twelve; all those portions of Sonoma county not included in fish and game districts ten and twelve; all those portions of Marin county not included in fish and game districts ten, eleven and twelve.

SEC. 14. Section seventeen of said act is hereby amended to read as follows: Stats. 1921,
p. 197,
amended.
District 3.

Sec. 17. Fish and game district three shall consist of and include those portions of Contra Costa county not in fish and game districts three "F", twelve and twelve "B"; those portions of San Joaquin county not included in fish and game districts one and twelve "B"; those portions of Alameda county not included in fish and game districts twelve and thirteen; those portions of San Francisco county not included in fish and game districts ten, eleven, twelve and thirteen; those portions of San Mateo county not included in fish and game districts three "G", ten and thirteen; those portions of Santa Clara county not included in fish and game districts three "E", three "G" and thirteen; those portions of Santa Cruz county not included in fish and game districts three "A", ten, fourteen, fifteen and seventeen; those portions of San Benito county not included in fish and game district three "B"; those portions of Monterey county not included in fish and game districts sixteen, seventeen and eighteen; those portions of San Luis Obispo county not included in fish and game district eighteen; those portions of Santa Barbara county not included in fish and game districts three "C" and eighteen; those portions of Ventura county not included in fish and game districts three "D" and nineteen; those portions

of Stanislaus county not included in fish and game district one; those portions of Merced county not included in fish and game district one; those portions of Fresno county not included in fish and game districts one, one "K" and twenty-six; those portions of Kings county not included in fish and game district one; those portions of Kern county not included in fish and game districts one and one "L".

Stats. 1921,
p. 198,
amended.
District
3 "F."

SEC. 15. Section twenty-one and three-quarters of said act is hereby amended to read as follows:

Sec. 21 $\frac{3}{4}$. Fish and game district three "F" shall consist of and include all of sections twenty-nine, thirty, thirty-one and thirty-two, township one north, range one east, all of sections five, six, seven and eight, township one south, range one east, all of sections twenty-five, twenty-six, thirty-five and thirty-six of township one north, range one west, all of sections one, two, eleven and twelve of township one south, range one west, all in Mount Diablo base and meridian.

Stats. 1917,
p. 1055,
amended.

SEC. 16. A new section is hereby added to said act to be numbered twenty-one *a* and to read as follows:

District
3 "G."

Sec. 21 $\frac{a}{a}$. Fish and game district three "G" shall consist of and include all those lands of the Leland Stanford Junior University lying and being in the counties of San Mateo and Santa Clara, and consisting of lots numbers one to thirty-three, inclusive; that portion of lots thirty-five and forty-two lying outside of the town limits of the town of Mayfield; lots thirty-six, forty-three, forty-six to seventy-five, inclusive; eighty to eighty-six, inclusive; eighty-nine to ninety-eight, inclusive, as shown on the map entitled "map of the lands of the Leland Stanford Junior University at or near the site of the university in the counties of Santa Clara and San Mateo, by A. T. and F. A. Herrmann, or Herrmann Bros." dated November, 1908, which map is recorded in the office of the county recorder of the county of Santa Clara, State of California.

Stats. 1919,
p. 430,
amended.

SEC. 17. Section twenty-two of said act is hereby amended to read as follows:

District 4.

Sec. 22. Fish and game district four shall consist of and include all those portions of Los Angeles county not included in fish and game districts four "B", four "F", nineteen, twenty and twenty "A"; all of those portions of San Bernardino county not included in fish and game districts four "A", four "B", four "G" and twenty-two; all those portions of Orange county not included in fish and game districts four "C" and nineteen; all those portions of Riverside county not included in fish and game districts four "C", four "D" and twenty-two.

Stats. 1917,
p. 1055,
amended.

SEC. 18. A new section is hereby added to said act to be numbered twenty-two *a* and to read as follows:

District 4 $\frac{1}{2}$.

Sec. 22 $\frac{a}{a}$. Fish and game district four and three-fourths shall consist of and include all those portions of San Diego county not included in fish and game districts four "E", nineteen and twenty-one and all those portions of Imperial county not included in fish and game district twenty-two.

SEC. 19. Section twenty-nine of said act is hereby amended to read as follows: Stats. 1917,
p. 1057,
amended.

Sec. 29. Fish and game district five shall consist of and include the waters of Smith river in Del Norte county from its mouth to Bailey's riffle. District 5.

SEC. 20. Section thirty of said act is hereby amended to read as follows: Stats. 1917,
p. 1057,
amended.

Sec. 30. Fish and game district six shall consist of and include the ocean waters and tidelands of the state to the high water mark lying between the northern boundary of the State of California and a line extending due west from the west end of the north jetty at the entrance to Humboldt bay. District 6.

SEC. 21. Section thirty-one of said act is hereby amended to read as follows: Stats. 1921,
p. 198,
amended.

Sec. 31. Fish and game district seven shall consist of and include the ocean waters and tidelands of the state to high water mark between a line extending due west from the west end of the north jetty at the entrance of Humboldt bay and the southern boundary of Mendocino county and shall exclude the ocean waters between the north and south jetties at the entrance of Humboldt bay from the westerly end of each of said jetties in the Pacific ocean to their respective aprons on the shores of Humboldt bay, and shall also exclude all sloughs, streams and lagoons. District 7.

SEC. 22. Section thirty-eight of said act is hereby amended to read as follows: Stats. 1917,
p. 1059,
amended.

Sec. 38. Fish and game district twelve "A" shall consist of and include all the waters of the Sacramento river flowing within the main channel between the M street bridge at Sacramento and the Vina ferry near the town of Vina, in Tehama county. District
12 "A."

SEC. 23. Section thirty-nine of said act is hereby amended to read as follows: Stats. 1921,
p. 199,
amended.

Sec. 39. Fish and game district twelve "B" shall consist of and include all waters and tidelands to high water mark of the Carquinez straits not included within fish and game district twelve, the waters and tidelands to high water mark of Suisun bay, all waters of the Sacramento river flowing within the main channel between the mouth thereof and the M street bridge at Sacramento the main channel of Steamboat slough and Sutter slough; the waters of New York slough and Broad slough; all waters of the San Joaquin river flowing within the main channel thereof to the Santa Fe railroad bridge across said river near Stockton; all waters of Old river between its mouth and the Santa Fe railroad bridge across said river at Orwood, and all lands and waters between the west bank of Old river and the east bank of the San Joaquin river north of the Santa Fe railroad between Orwood and the Santa Fe railroad bridge across said river near Stockton, and excluding all tributary sloughs, creeks, bays, rivers and overflowed areas not specifically described herein. District
12 "B."

Stats. 1917,
p. 1060,
amended.

SEC. 24. Section forty-five of said act is hereby amended to read as follows:

District 18. Sec. 45. Fish and game district eighteen shall consist of and include the ocean waters and tidelands to high water mark of the state lying between a line extending due west from the mouth of Carmel river and the south boundary of Santa Barbara county, and shall exclude all rivers, streams, sloughs and lagoons.

Stats. 1919,
p. 431,
amended.

SEC. 25. Section forty-six of said act is hereby amended to read as follows:

District 19. Sec. 46. Fish and game district nineteen shall consist of and include the ocean waters and tidelands to high water mark of the state lying between the south boundary of Santa Barbara county and the southern boundary of San Diego county, and shall include all islands and waters adjacent thereto belonging to the State of California and lying off the coast of southern California, south of a line extending due west into the Pacific ocean from the north boundary of Santa Barbara county, exclusive of Santa Catalina island and state waters adjacent thereto; exclusive of all rivers, streams, lagoons and bays.

CHAPTER 400.

An act to amend section four and to add two new sections, to be numbered five and ten, to an act entitled "An act to provide for the consolidation of districts organized or existing under the California irrigation district act," approved June 1, 1921, relating to the consolidation of irrigation districts and the selling of bonds thereby.

[Approved by the Governor May 23, 1925.]

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

Stats. 1921,
p. 1019,
amended.

SECTION 1. Section four of an act entitled "An act to provide for the consolidation of districts organized or existing under the California irrigation district act," approved June 1, 1921, is hereby amended to read as follows:

Report by
state
engineer.

Sec. 4. Upon the completion of such examination but not more than ninety days after the receipt by him of a copy of the resolution from the board last adopting the same, the state engineer shall submit to the board of directors of each of said districts his report thereon.

In case said state engineer shall consider the elimination of a portion of the lands included in any of the original districts advisable, he shall recommend the same in his said report, stating his reasons therefor. He shall also set out the boundaries of the consolidated district recommended and the divisions into which it is to be divided, the same being five in number.

If any of said lands so eliminated have never received water from the original district in which it was included, the owners thereof shall be entitled to the return of all assessments theretofore paid upon same. If any of said lands have

therefore received water, the said state engineer shall recommend in his said report the portion, if any, of said assessments to the return of which the respective owners are equitably entitled.

SEC. 2. A new section is hereby added to said act, to be numbered section five, and to read as follows: Stats. 1921,
p. 1010,
amended.
Election.

Sec. 5. Within ten days after receiving said report, if the state engineer deems such consolidation desirable, the board of directors of each of said districts must make an order calling a special election at which shall be submitted to the electors of such district possessing the qualifications prescribed by the California irrigation district act the question whether or not said consolidation shall be effected, which said election shall be conducted and the returns canvassed so far as practicable in accordance with the requirements for the general irrigation district election provided for in said act. Notice of such election shall be given for the time and in the manner provided for notice of special elections for the issuance of bonds in said California irrigation district act. The ballots shall contain the words "Consolidation—Yes" and "Consolidation—No," or words equivalent thereto, and if a majority of the votes cast in each district are "Consolidation—Yes," then such districts shall be consolidated.

At such election there shall also be elected the directors and other officers of the consolidated district who shall be nominated and voted for as provided for in the general election of an irrigation district.

SEC. 3. A new section is hereby added to said act, to be numbered section ten, and to read as follows: Stats. 1921,
p. 1020,
amended.
Authorized
bonds may
be sold.

Sec. 10. Any bonds of any irrigation district, or districts, participating in such consolidation pursuant to the provisions of this act, which have been authorized by the electors of such district, or districts, prior to such consolidation, but which have not been issued, may, by order of the board of directors of the consolidated district, be sold or disposed of in the manner provided in sections thirty-two and thirty-two *a*, respectively, of the California irrigation district act, and the proceeds thereof applied to the purpose for which such bonds were authorized.

CHAPTER 401.

An act to amend sections four thousand two hundred thirty-six a, four thousand two hundred thirty-six b, four thousand two hundred thirty-six c, four thousand two hundred thirty-six d, four thousand two hundred thirty-six e, four thousand two hundred thirty-six f, four thousand two hundred thirty-six g, four thousand two hundred thirty-six h, four thousand two hundred thirty-six i, four thousand two hundred thirty-six j, four thousand two hundred thirty-six k, four thousand two hundred thirty-six l, four thousand two hundred thirty-six m, four thousand two hundred

thirty-six n, four thousand two hundred thirty-six o, four thousand two hundred thirty-six p inclusive of the Political Code, and to add a new section to said code to be numbered four thousand two hundred thirty-six q, relating to county and township officers in counties of the seventh class, the assistants, deputies, and other employees of said officers, and provided for the compensation of said officers and said assistants, deputies, and other employees.

[Approved by the Governor May 23, 1925.]

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

Counties of
7th class;
salaries and
fees of
officers.
Clerk.

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

4236*a*. In counties of the seventh class the county clerk shall receive as full compensation for the services required of him by law the sum of four thousand dollars per annum; *provided*, that in counties of this class, there shall be, and there is hereby allowed the county clerk, the following deputies, clerks and employees, to be appointed by said clerk, which positions are hereby created, and the salaries of each are hereby fixed as follows: One chief deputy who shall serve as chief deputy and registrar of voters, two thousand seven hundred dollars per annum; one deputy, two thousand four hundred eighty dollars per annum; five deputies, two thousand one hundred dollars each per annum; six deputies, one thousand eight hundred dollars each per annum; three deputies, one thousand nine hundred twenty dollars each per annum; *provided*, that whenever a special state or special county, or municipal election is held, the county clerk, in counties of this class, shall be, and is hereby allowed the following additional help; five clerks for a period of and not exceeding sixty days, immediately preceding such election date, whose salary shall be one hundred twenty-five dollars each, per month; *provided*, *further*, that in such years as the compilation of a great register of voters is required by law to be made, the county clerk in counties of this class shall be, and he is hereby allowed the following additional help: As many clerks as are necessary, in his discretion from January first, to November first, at one hundred dollars each per month, and whose compensation shall not exceed the sum of three thousand six hundred dollars in the aggregate, for all clerks, so employed; *provided*, *further*, the county clerk may appoint such number of registration deputies in any precinct as may be necessary for the purpose of registering electors, each of whom shall be a qualified elector in his respective precinct, each of said deputies in precincts outside of the corporate limits of municipalities containing twenty-five thousand or more inhabitants, shall be paid the sum of fifteen cents per name, for each person legally registered by him, and that each of said deputies, within the corporate limits of a municipality containing twenty-five thousand or more inhabitants, shall be

paid the sum of seven and one-half cents per name for each person legally registered by him, and the said registration deputies to be paid for their services on the presentation and filing with the county auditor of said county, a duly verified claim therefor, duly approved by the said county clerk. The salaries and compensation of each of said deputy clerks and employees shall be paid out of the county treasury in equal monthly installments in the same manner and at the same time as other county officials are paid. The county clerk shall pay into the county treasury at the close of each month, all fees received by him as county clerk during the month accompanied by a statement of the sources from whence received.

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

4236*b*. In counties of the seventh class the sheriff shall ^{Sheriff.} receive as full compensation for the services required of him by law, the sum of four thousand dollars per annum salary: the sheriff shall also be paid fifteen cents per meal each, for all meals furnished prisoners confined in the county jail. He shall be allowed the actual and necessary expenses incurred in the performance of his official duties, including the actual and necessary expense incurred by him in recovering or searching for the body of any person meeting death through drowning; *provided*, that in counties of this class, there shall be, and there is hereby allowed the sheriff, the following deputies, jailers and bailiffs, to be appointed by said sheriff, which positions are hereby created, and the salaries of each are hereby fixed as follows: One deputy, who shall act as undersheriff, at a salary of two thousand five hundred twenty dollars per annum; one deputy, who shall act as chief criminal deputy and Bertillon expert, at a salary of two thousand one hundred dollars per annum; one chief jailer at a salary of two thousand one hundred dollars per annum; two deputies who shall act as process servers at a salary of one thousand eight hundred dollars each per annum; two deputies who shall act as criminal deputies at a salary of one thousand eight hundred dollars each per annum; twelve deputies at a salary of one thousand eight hundred dollars each per annum; one matron, to attend female prisoners at a salary of one thousand three hundred twenty dollars per annum; one deputy who shall act as bookkeeper at a salary of one thousand eight hundred dollars per annum; one relief matron to attend insane female prisoners, and provide a two weeks' relief in each year at a salary of five dollars per day when actually employed and whose compensation shall not exceed, in the aggregate, two hundred dollars per annum. The salaries and compensation of each of said deputies, jailers and bailiffs, shall be paid out of the county treasury in equal monthly installments, in the same manner and at the same time as other county officials are paid.

The sheriff shall pay into the county treasury at the close of each month all fees, mileage and per diems received by him

as sheriff during the month, accompanied by a statement of the sources from whence received.

Sec. 3. Section four thousand two hundred thirty-six *c* of the Political Code is hereby amended to read as follows:

Recorder.

4236*c*. In counties of the seventh class the recorder shall receive as full compensation for the services required of him by law, the sum of four thousand dollars per annum; *provided*, that in counties of this class there shall be, and there is hereby allowed the county recorder, the following deputies, clerks and copyists, to be appointed by said recorder, which positions are hereby created, and the salaries of each are hereby fixed as follows: One chief deputy at a salary of two thousand five hundred twenty dollars per annum; one comparing clerk, at a salary of two thousand one hundred dollars per annum; one comparing clerk, at a salary of one thousand eight hundred dollars per annum; one index clerk, at a salary of two thousand one hundred dollars per annum; one filing clerk, at a salary of one thousand eight hundred dollars per annum; said recorder may also appoint such copyists, not to exceed six, as may be required, for the recording of all papers, notices or documents in his office, who shall receive as compensation for their services the sum of one thousand six hundred eighty dollars each per annum; said recorder may also appoint two copyists at a salary of one thousand five hundred dollars each per annum. The salaries and compensation of each of said deputies, clerks and copyists and employees herein provided for, each of whom shall be a deputy county recorder, shall be paid out of the county treasury in equal monthly installments, in the same manner and at the same time as other county officials are paid.

Sec. 4. Section four thousand two hundred thirty-six *d* of the Political Code is hereby amended to read as follows:

Auditor.

4236*d*. In counties of the seventh class the auditor shall receive as full compensation for the services required of him by law, the sum of four thousand dollars per annum; *provided*, that in counties of this class, there shall be, and there is hereby allowed the auditor, the following deputies, clerks and employees to be appointed by said auditor, which positions are hereby created and the salaries of each are hereby fixed as follows: One chief deputy at a salary of two thousand five hundred twenty dollars per annum; one redemption deputy at a salary of two thousand two hundred eighty dollars per annum; one warrant deputy at a salary of two thousand two hundred eighty dollars per annum; one claim expert, at a salary of two thousand two hundred eighty dollars per annum; one assistant claim clerk, at a salary of one thousand nine hundred twenty dollars per annum; two deputies, at a salary of one thousand nine hundred twenty dollars each per annum; and such additional assistants as the auditor may require, and whose compensation shall not exceed one thousand six hundred dollars per annum, in the aggregate, for all assistance so rendered; *provided, further*, that the auditor

shall certify thereon, as to the correctness of such additional assistance. The salaries and compensation of each of said deputies and clerks, shall be paid out of the county treasury, in equal monthly installments, in the same manner and at the same time as other county officials are paid.

SEC. 5. Section four thousand two hundred thirty-six *e* of the Political Code is hereby amended to read as follows:

4236*e*. In counties of the seventh class the county treasurer shall receive as full compensation for the services required of him by law, the sum of four thousand dollars per annum; *provided*, that he shall also be allowed not to exceed the sum of five dollars per day for his actual and necessary traveling expenses in visiting towns outside the county seat for the purpose of opening safety deposit boxes under the provisions of the "inheritance tax act;" *provided*, that in counties of this class, there shall be and there is hereby allowed the following deputies, to be appointed by said treasurer, which positions are hereby created, and the salaries of each are hereby fixed as follows: One chief deputy at a salary of two thousand five hundred twenty dollars per annum; one bond deputy to act as accountant at a salary of two thousand two hundred eighty dollars per annum; one deputy to act as cashier at a salary of one thousand nine hundred twenty dollars per annum; the salaries and compensation of each of said deputies and book-keeper shall be paid out of the county treasury, in equal monthly installments, in the same manner and at the same time as other county officials are paid. The county treasurer shall pay into the county treasury at the close of each month, all fees received by him as county treasurer during the month, accompanied by a statement of the sources from whence received.

SEC. 6. Section four thousand two hundred thirty-six *f* of the Political Code is hereby amended to read as follows:

4236*f*. In counties of the seventh class the county tax and license collector shall receive as full compensation for services as tax collector and ex officio license collector, required of him by law, the sum of four thousand dollars per annum; *provided*, that in counties of this class, there shall be, and there is hereby allowed the tax collector, the following deputies, book-keepers and assistants, to be appointed by said tax collector, which positions are hereby created, and the salaries of each are hereby fixed as follows: One chief deputy at a salary of two thousand five hundred twenty dollars per annum; one office deputy at a salary of two thousand one hundred dollars per annum; one cashier, at a salary of two thousand one hundred dollars per annum; one deputy who shall be correspondence and mail clerk, at a salary of one thousand eight hundred dollars per annum; one deputy at a salary of one thousand nine hundred twenty dollars per annum; *provided, further*, that the tax collector shall have such additional deputy tax collectors to serve as such when in his discretion they are needed, the compensation of said deputies not to exceed in the

aggregate three thousand six hundred dollars per annum. The salaries and compensations of each of said deputies, assistants and bookkeepers shall be paid out of the county treasury, in equal monthly installments at the same time and in the same manner as other county officials are paid. The tax collector is hereby declared to be the ex officio license collector, and the office of license collector heretofore existing is hereby abolished.

The tax and license collector shall deposit in the county treasury all the money received by him in his official capacity, not later than the day succeeding the collection thereof, in the manner provided by section four thousand one hundred one *a* of the Political Code; *provided*, that checks, drafts and post office orders received or accepted by the tax and license collector at his own risk, the proceeds of which are to be applied on tax or license collections, may be deposited in bank and a reasonable time allowed for "clearance" not to exceed one week, before depositing the money in the county treasury; *provided, further*, that nothing herein shall be construed to authorize the payment of taxes other than in "lawful money of the United States," as provided by section three thousand eight hundred eighty-eight, of the Political Code. The tax and license collector shall be allowed his actual and necessary traveling expenses incurred by him, in the performance of his official duty, not exceeding two hundred dollars for the year.

SEC. 7. Section four thousand two hundred thirty-six *g* of the Political Code is hereby amended to read as follows:

Assessor.

4236*g*. In counties of the seventh class the county assessor shall receive as full compensation for services required of him by law, the sum of four thousand dollars per annum and such fees and commissions as allowed by law while acting as an agent of the State of California as the collector of the state poll tax. He shall also be provided with transportation to be used by him in assessing property and gathering assessment data and shall be allowed a sum not exceeding five dollars per day for his actual and necessary traveling expenses in the performance of the duties of his office; *provided*, that in counties of this class there shall be and there is hereby allowed the assessor, the following deputies, clerks and assistants, to be appointed by said assessor, which positions are hereby created, and the salaries of each are hereby fixed as follows: One assistant county assessor at a salary of two thousand five hundred twenty dollars per annum; five office deputies at a salary of one thousand nine hundred twenty dollars each per annum; one office deputy at a salary of one thousand eight hundred dollars per annum; as many deputies as are necessary in the discretion of the county assessor during each year at a salary of eight dollars per day and whose compensation for such services shall not exceed the sum of eight thousand six hundred forty dollars per annum in the aggregate for all deputies so employed; as many deputies as are necessary in the discretion of the county assessor during each year at a salary of seven dollars per day and whose compensation for

such services shall not exceed the sum of eight thousand four hundred dollars per annum in the aggregate for all deputies so employed; as many deputies as are necessary in the discretion of the county assessor during each year at a salary of five dollars and fifty cents per day and whose compensation for such services shall not exceed the sum of five thousand five hundred dollars per annum in the aggregate for all deputies so employed. The salaries and compensation of each of said deputies, clerks and assistants shall be paid out of the county treasury in equal monthly installments, in the same manner and at the same time as other county officials are paid. The salaries of all assistants, deputies and clerks herein provided for shall be paid by the said county in monthly installments at the same time, manner and out of the same funds as the county assessor is paid.

SEC. 8. Section four thousand two hundred thirty-six *h* of the Political Code is hereby amended to read as follows:

4236*h*. In counties of the seventh class the district attorney Attorney. shall receive as full compensation for the services required of him by law the sum of five thousand dollars per annum; *provided*, that in counties of this class there shall be, and there is hereby allowed the district attorney the following assistant, deputies and employees, to be appointed by said district attorney which positions are hereby created and the salaries of each are hereby fixed as follows: One assistant district attorney, whose salary is hereby fixed at the sum of three thousand nine hundred dollars per annum; one chief deputy district attorney, whose salary is hereby fixed at the sum of three thousand nine hundred dollars per annum; one deputy district attorney whose salary is hereby fixed at the sum of three thousand six hundred dollars per annum; one deputy district attorney whose salary is hereby fixed at the sum of three thousand six hundred dollars per annum; one clerk, who shall be a stenographer, whose salary is hereby fixed at the sum of one thousand nine hundred twenty dollars per annum; one chief clerk, whose salary is hereby fixed at the sum of one thousand two hundred dollars per annum; one county detective who shall have all the powers of a peace officer as set forth in sections eight hundred thirty-four and eight hundred thirty-six of the Penal Code and who shall perform such duties as may be required of him by the district attorney, or by the ordinances of the board of supervisors of the county, whose salary is hereby fixed at the sum of one thousand nine hundred twenty dollars per annum; *provided, further*, that in addition to the salary herein fixed for said county detective he shall be allowed and paid actual and necessary expenses incurred by him in the performance of his official duties; *provided, further*, that the said county detective shall file with the board of supervisors a verified statement and claim showing in detail the amount paid, and the persons to whom and the purpose for which such payments were made; *and provided, further*, that in counties of

this class the district attorney, in addition to the salary herein fixed, shall be allowed his traveling and other personal expenses incurred in criminal cases arising in the county, and in civil actions and proceedings in which the county is interested, and all other expenses necessarily incurred by him in the investigation and detection of crime and the prosecution of criminal cases and in civil actions and proceedings, and all other matters in which the county is interested, all of which said charges and expenses so incurred by him shall be a legal charge against the county. Neither the district attorney nor any of his assistants or deputies shall engage in the private practice of law, nor shall they be associated directly or indirectly with any lawyer or law firm as such in private practice, but each shall devote his entire time to the service of the county.

The salaries and compensation of each of said assistants, deputies and employees shall be paid out of the county treasury in equal monthly installments in the same manner and at the same time as other county officials are paid.

SEC. 9. Section four thousand two hundred thirty-six of the Political Code is hereby amended to read as follows:

Coroner.

4236i. In counties of the seventh class there shall be one coroner who shall receive as full compensation for the services required of him by law, such fees as are now or may hereafter be allowed by law; *provided*, the coroner, or other officer holding an inquest upon the body of a deceased person may subpoena a chemist to make an analysis of the contents of the stomach or tissues of the body, or a physician or surgeon to inspect the body, or hold a post mortem examination of the deceased, and give a professional opinion as to the cause of death; and shall cause the testimony of all the witnesses at such inquest to be reduced to writing under his direction; *provided*, that in counties of this class there shall be and there is hereby allowed the coroner the following assistants, to be appointed by said coroner which positions are hereby created, and the salaries of each are hereby fixed as follows: One deputy and one stenographer; said deputy shall have the power and it shall be his duty when directed by the coroner to hold inquests, and all such power conferred by law upon the coroner may be exercised by said deputy, who shall receive a salary of one thousand six hundred eighty dollars per annum; the salary of said stenographer shall be one thousand five hundred dollars per annum, which salary shall be in full for all services rendered by him as such stenographer. Said stenographer shall take down in shorthand the testimony of witnesses at inquests and shall transcribe the same into longhand and file a verified copy thereof with the county clerk. The salaries and compensation of said deputy and stenographer, shall be paid out of the county treasury in equal monthly installments in the same manner and at the same time as other county officials are paid.

SEC. 10. Section four thousand two hundred thirty-six *j* of the Political Code is hereby amended to read as follows:

4236*j*. In counties of the seventh class there shall be one superintendent of schools who shall receive as full compensation for the services required of him by law, the sum of three thousand dollars per annum, and actual and necessary traveling expenses when visiting schools of the county; *provided, however*, that commencing January 3, 1927, in counties of the seventh class the superintendent of schools shall receive as full compensation for the services required of him by law, the sum of four thousand dollars per annum and actual and necessary traveling expenses when visiting schools of the county; *provided, further*, that in counties of this class, there shall be and there is hereby allowed the superintendent the following assistants and deputies to be appointed by said superintendent which positions are hereby created and the salaries of each are hereby fixed as follows: One assistant superintendent of schools who shall receive as compensation, the sum of two thousand five hundred twenty dollars per annum, one deputy superintendent of schools who shall receive as compensation the sum of two thousand four hundred dollars per annum; one deputy who shall receive as compensation the sum of one thousand nine hundred eighty dollars per annum; one stenographer, who shall receive as compensation the sum of one thousand five hundred dollars per annum. The salary of said assistant superintendent of schools and deputy superintendents of schools and stenographer shall be paid out of the county treasury in equal monthly installments in the same manner and at the same time as other county officials are paid. 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 funds as the salary of the superintendent of schools. Claims of such service and mileage shall be presented to the board of supervisors and shall be allowed at the rate above named, and in the same manner as other claims against the county are allowed. The compensation of members of the county board of education of this county hereby provided is not in addition to that provided in section one thousand seven hundred seventy of this code.

SEC. 11. Section four thousand two hundred thirty-six *k* of the Political Code is hereby amended to read as follows:

4236*k*. In counties of the seventh class, the county surveyor shall receive a salary of two thousand four hundred dollars per annum; and in addition thereto all necessary expenses for work performed in the office and all necessary

expenses and transportation for work performed in the field; *provided, however*, commencing January 3, 1927, in counties of the seventh class the county surveyor shall receive a salary of one hundred twenty dollars per annum, and in addition thereto all necessary expenses for work performed in the office and all necessary expenses and transportation for work performed in the field.

SEC. 12. Section four thousand two hundred thirty-six of the Political Code is hereby amended to read as follows:

Classifica-
tion of
townships.

4236L. For the purpose of regulating the compensation of township justices and constables in counties of the seventh class, townships shall be classified on the basis of population, said population to be determined by the board of supervisors by multiplying by three the number of registered voters at the last general election next preceding the date of such determination, said census so taken shall be known and shall become the official census of the township in which the same is taken, and the population therein determined shall be and become the official population of such township. Incorporated cities having a population of twenty thousand or more, shall be known as townships of the first class; townships having a population of five thousand and less than twenty thousand shall be known as townships of the second class; townships having a population of more than two thousand and less than five thousand shall be known as townships of the third class; *provided*, that no township shall contain less than two thousand population; *provided, further*, that the number of townships shall not exceed eight in counties of this class. It shall be the duty of the board of supervisors to fix the boundaries of townships, so that all the territory in counties of the seventh class, shall be comprised within the above limitations of population, and where the boundary line of any township is changed they shall take the census of said township or townships in the manner as in this section provided and the population therein determined shall be and become the official population of the township.

Number of
justices and
constables.

Townships of the second and third classes shall each have one justice and one constable:

Townships of the first class shall have one justice and two constables; *provided, however*, that in all such townships having a population of twenty thousand or more, there shall be one clerk to be appointed by the justice of the peace, such clerk to receive a salary of one hundred seventy-five dollars per month, payable monthly in the same manner as salaries of county officers are paid. All fees chargeable and collectible by justices of the peace in criminal and civil cases for services rendered by them shall be collected by them and by them paid monthly into the county treasury. All fees and mileage collected by constables in civil cases shall be deposited in the county treasury monthly.

In townships containing twenty thousand or more inhabitants the board of supervisors shall furnish the justice of

the peace and the constables of such township an office to be occupied by such justice and constables jointly.

The compensation of justices of the peace in counties of the seventh class is hereby fixed as follows: Class one townships, three thousand six hundred dollars per annum; class two townships, one thousand eight hundred dollars per annum; class three townships, one thousand five hundred dollars per annum. The salaries shall be payable monthly in the same manner as county officers are paid. Compensation of justices.

The compensation of constables in counties of the seventh class is hereby fixed as follows: Class one townships, two thousand one hundred dollars per annum; class two townships, one thousand eight hundred dollars per annum; class three townships, one thousand five hundred dollars per annum. The salaries shall be payable monthly in the same manner as county officials are paid. Compensation of constables.

SEC. 13. Section four thousand two hundred thirty-six *m* of the Political Code is hereby amended to read as follows:

4236*m*. In counties of the seventh class the public administrator shall receive as compensation such fees as are now or may hereafter be allowed by law. Public administrator.

SEC. 14. Section four thousand two hundred thirty-six *n* of the Political Code is hereby amended to read as follows:

4236*n*. In counties of the seventh class each supervisor shall receive as compensation one hundred twenty-five dollars per month, and in addition thereto the board of supervisors as a whole shall be allotted and paid five hundred dollars per year for traveling expenses, and ten cents per mile for traveling to and from the county seat; *provided*, mileage for traveling to and from the county seat shall not be allowed oftener than once in each month. Supervisors.

SEC. 15. Section four thousand two hundred thirty-six *o* of the Political Code is hereby amended to read as follows:

4236*o*. In counties of the seventh class the fees for trial jurors for attendance in any court shall be three dollars for each day's attendance, and said trial jurors shall be allowed mileage at the rate of ten cents per mile for each and every mile actually and necessarily traveled in attending upon and returning from court, said mileage to be computed for daily attendance, irrespective of whether said daily attendance covers one or more sessions of court. Jurors.

Each member of the grand jury shall be allowed three dollars for each day in attendance upon the sessions of the grand jury or for each day's service as a member of any committee of the grand jury; each grand juror shall be allowed mileage at the rate of ten cents per mile for each and every mile actually and necessarily traveled in attendance upon and returning from meetings of the grand jury, or any session of a grand jury committee, duly called by the secretary, or committee chairman.

SEC. 16. Section four thousand two hundred thirty-six *p* of the Political Code is hereby amended to read as follows:

Librarian.

4236*p*. In counties of the seventh class the salary of the county librarian shall be three thousand dollars per annum.

SEC. 17. A new section is hereby added to the Political Code to be numbered 4236*q*, and to read as follows:

Traffic officer.

4236*q*. In counties of the seventh class the salary of the county traffic officer shall be one thousand eight hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the county traffic officer two deputies, which offices are hereby created. Said deputies shall be appointed by said county traffic officer and shall receive a salary of one thousand eight hundred dollars per annum each, which shall be paid by said county in equal monthly installments, at the same time, and in the same manner and out of the same funds as the salary of the county traffic officer is paid. Said traffic officer and his deputies shall be provided by the county with motorcycles or other vehicles and gasoline and oil for the purpose of propelling the same and shall pay all the expenses of the upkeep of said machines. They shall be allowed their actual and necessary expenses incurred in the performance of their official duties. All the provisions of this paragraph are to apply to the office of county traffic officer and his deputies whenever said office of county traffic officer is created by law.

CHAPTER 402.

An act to amend section three of an act entitled "An act to appropriate money to be used as a revolving fund by the sixth district agricultural association for the purpose of creating, installing and maintaining special expositions at Exposition park, Los Angeles," approved June 1, 1917, relating to the disposition of funds.

[Approved by the Governor May 23, 1925.]

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

Stats. 1917,
p. 1619.
amended.

SECTION 1. Section three of the act entitled "An act to appropriate money to be used as a revolving fund by the sixth district agricultural association for the purpose of creating, installing and maintaining special expositions at Exposition park, Los Angeles," approved June 1, 1917, is hereby amended to read as follows:

Disposition
of state
moneys.

Sec. 3. All moneys belonging to the state, except appropriations, shall be reported by the secretary to the controller of the state and paid into the state treasury to the credit of the general fund.

CHAPTER 403.

An act to amend section one thousand five hundred eighty-four of the Penal Code, relating to the disposition of moneys received at San Quentin and Folsom prisons.

[Approved by the Governor May 23, 1925.]

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

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

1584. All moneys heretofore credited to the prison fund of San Quentin Prison shall be reported to the state controller at least once each month in such form as the controller may require and at the same time the said money must be paid into the state treasury to the credit of the general fund, except so much thereof as shall be necessary to be paid to the jute revolving fund as required by the provisions of an act of the legislature approved March 9, 1885, and the acts amendatory thereof or supplemental thereto, and the "manufacturing revolving fund" provided by an act approved June 12, 1915, and such money as is necessary to pay the expenses and money allowed discharged prisoners under the provisions of this title.

Disposition
of moneys
received.

All moneys belonging to the state received or collected by the warden of Folsom prison shall be reported to the state controller at least once each month in such form as the controller may require and at the same time said funds shall be paid into the state treasury to the credit of the general fund, excepting so much thereof as may be necessary to pay the expenses and money allowed discharged prisoners under the provisions of this title.

The wardens shall require vouchers for all moneys by them expended, and safely keep the same on file in their respective offices at the prisons.

For all sums of money required to be paid other than for the uses above named, as well as for said uses when there is not sufficient money in the hands of the warden, drafts shall be drawn on the controller of state, signed by at least three of the directors, and the controller of state shall draw his warrant on the state treasurer, who shall pay the same out of any moneys belonging to the state prison funds, or appropriated for the use or support of the state prisons.

The amount of all money retained by the wardens, and the aggregate amount paid out, shall be reported quarterly to the controller of state and the proper entries shall be made on the controller's books.

CHAPTER 404.

An act to amend section two hundred eighty-seven of the Civil Code, relating to how corporations may continue their existence under the code.

[Approved by the Governor May 23, 1925.]

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

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

Continuance
of corporate
existence.

287. Any corporation existing on the first day of January, one thousand eight hundred seventy-three, formed under the laws of this state, and still existing, which has not already elected to continue its existence, under the provisions of this code applicable thereto, may, at any time hereafter, make such election by the unanimous vote of all its directors, or such election may be made at any annual meeting of the stockholders, or members, or at any meeting called by the directors expressly for considering the subject, if voted by stockholders representing a majority of the capital stock, or by a majority of the members, or may be made by the directors upon the written consent of that number of such stockholders or members.

A certificate of the action of the directors, signed by them and their secretary, when the election is made by their unanimous vote, or upon the written consent of the stockholders or members, or a certificate of the proceedings of the meeting of the stockholders or members, when such election is made at any such meeting, signed by the chairman and secretary of the meeting and a majority of the directors, must be filed in the office of the secretary of state and thereafter the corporation shall continue its existence under the provisions of this code which are applicable thereto, and shall possess all the rights and powers, and be subject to all the obligations, restrictions, and limitations prescribed thereby.

When a corporation formed for an unlimited period of time has heretofore elected or shall hereafter elect to continue its existence under the provisions of this code by complying with the provisions of this section, the term of existence of such corporation shall be fifty (50) years from the date of filing the certificate mentioned in this section with the secretary of state.

The secretary of state shall forthwith issue a certified copy of said certificate and transmit said copy to the county clerk of the county in which the principal place of business of the corporation was situated at the time said corporation was incorporated which copy shall be filed by said county clerk upon payment of the fee prescribed by law.

A copy of such certificate, certified by the secretary of state, shall be filed by such corporation in the office of the county clerk of every county in which said corporation has or holds real property.

Any corporation which shall fail to comply with the requirements of the preceding sentence shall be subject to the penalties and liabilities provided in section two hundred ninety-nine for a failure of corporations to file copies of their articles of incorporation with the county clerks of the counties in which they shall purchase, hold or locate real property.

CHAPTER 405.

An act making an appropriation for the purchase of land for the San Francisco State Teachers College.

[Approved by the Governor May 23, 1925.]

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

SECTION 1. Out of any money in the state treasury not otherwise appropriated, there is hereby appropriated the sum of ninety thousand dollars to be expended by the state department of education for the purchase of land for San Francisco State Teachers College.

Appropriation: San Francisco Teachers College.

CHAPTER 406.

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

[Approved by the Governor May 23, 1925.]

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

SECTION 1. Section fifty-two of an act entitled "An act to provide for the organization of the railroad commission, to define its powers and duties and the rights, remedies, powers and duties of public utilities and their officers, and the rights and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, creating the 'railroad commission fund' and appropriating the moneys therein to carry out the provisions of this act, and repealing title fifteen of part four of division first of the Civil Code and all acts and parts of acts inconsistent with the pro-

Stats. 1915, p. 150, amended.

visions of this act," approved April 23, 1915, as amended, is hereby amended to read as follows:

Power of
public
utilities to
issue stock.

Sec. 52. (a) The power of public utilities to issue stocks and stock certificates or other evidence of interest or ownership, and bonds, notes and other evidences of indebtedness and to create liens on their property situated within this state is a special privilege, the right of supervision, regulation, restriction and control of which is and shall continue to be vested in the state, and such power shall be exercised as provided by law and under such rules and regulations as the commission may prescribe.

Purposes for
which
stock may
be issued.

(b) A public utility may issue stocks and stock certificates or other evidence of interest or ownership, and bonds, notes and other evidences of indebtedness payable at periods of more than twelve months after the date thereof, for the following purposes and no others, namely, for the acquisition of property, or for the construction, completion, extension or improvement of its facilities, or for the improvement or maintenance of its service, or for the discharge or lawful refunding of its obligations, or for the reimbursement of moneys actually expended from income or from any other moneys in the treasury of the public utility not secured by or obtained from the issue of stocks or stock certificates or other evidence of interest or ownership, or bonds, notes or other evidences of indebtedness of such public utility, for any of the aforesaid purposes except maintenance of service and replacements, in cases where the applicant shall have kept its accounts and vouchers for such expenditures in such manner as to enable the commission to ascertain the amount of moneys so expended and the purposes for which such expenditure was made; *provided*, that such public utility, in addition to the other requirements of law, shall first have secured from the commission an order authorizing such issue and stating the amount thereof and the purpose or purposes to which the issue or the proceeds thereof are to be applied, and that, in the opinion of the commission, the money, property or labor to be procured or paid for by such issue is reasonably required for the purpose or purposes specified in the order, and that, except as otherwise permitted in the order in the case of bonds, notes or other evidences of indebtedness, such purpose or purposes are not, in whole or in part, reasonably chargeable to operating expenses or to income. To enable it to determine whether it will issue such order, the commission may hold a hearing and may make such additional inquiry or investigation, and examine such witnesses, books, papers, documents and contracts and require the filing of such data as it may deem of assistance. The commission may by its order grant permission for the issue of such stocks or stock certificates or other evidence of interest or ownership, or bonds, notes or other evidences of indebtedness in the amount applied for, or in a lesser amount, or not at all, and may attach to the exercise of its permission such condition or conditions as it

Order
authorizing
issue.

Hearing.

may deem reasonable and necessary. The commission may authorize issues of bonds, notes or other evidences of indebtedness, less than, equivalent to or greater than the authorized or subscribed capital stock of a public utility corporation, and the provisions of sections three hundred nine and four hundred fifty-six of the Civil Code of this state, in so far as they contain inhibitions against the creation by corporations of indebtedness, evidenced by bonds, notes or otherwise, in excess of their total authorized or subscribed capital stock shall have no application to public utility corporations. No public utility shall, without the consent of the commission, apply the issue of any stock or stock certificate or other evidence of interest or ownership, or bond, note or other evidence of indebtedness, or any part thereof, or any proceeds thereof, to any purpose not specified in the commission's order, or to any purpose specified in the commission's order in excess of the amount authorized for such purpose, or issue or dispose of the same on any terms less favorable than those specified in such order, or a modification thereof. A public utility may issue notes, for proper purposes and not in violation of any provision of this act or any other act, payable at periods of not more than twelve months after the date of issuance of the same, without the consent of the commission, but no such note shall, in whole or in part, be refunded by any issue of stocks or stock certificates or other evidence of interest or ownership, or of bonds, notes of any term or character or any other evidence of indebtedness, without the consent of the commission. The commission shall have no power to authorize the capitalization of the right to be a corporation, or to authorize the capitalization of any franchise or permit whatsoever or the right to own, operate or enjoy any such franchise or permit, in excess of the amount (exclusive of any tax or annual charge) actually paid to the state or to a political subdivision thereof as the consideration for the grant of such franchise, permit or right; nor shall any contract for consolidation or lease be capitalized, nor shall any public utility hereafter issue any bonds, notes or other evidences of indebtedness against or as a lien upon any contract for consolidation or merger.

(c) The commission shall have the power to require public utilities to account for the disposition of the proceeds of all sales of stocks and stock certificates or other evidence of interest or ownership, and bonds, notes and other evidences of indebtedness, in such form and detail as it may deem advisable, and to establish such rules and regulations as it may deem reasonable and necessary to insure the disposition of such proceeds for the purpose or purposes specified in its order.

(d) All stock and every stock certificate or other evidence of interest or ownership, and every bond, note or other evidence of indebtedness, of a public utility, issued without an order of the commission authorizing the same then in effect

Use of issue
or proceeds.

Notes.

What not to
be capital-
ized.

Account of
disposition
of proceeds.

Void stock.

shall be void, and likewise all stock and every stock certificate or other evidence of interest or ownership, and every bond, note or other evidence of indebtedness, of a public utility, issued with the authorization of the commission, but not conforming in its provisions to the provisions, if any, which it is required by the order of authorization of the commission to contain, shall be void; but no failure in any other respect to comply with the terms or conditions of the order of authorization of the commission shall render void any stock or stock certificate or other evidence of interest or ownership, or any bond, note or other evidence of indebtedness, except as to a corporation or person taking the same otherwise than in good faith and for value and without actual notice.

Misissue
or misuse
of stock.

(e) Every public utility which, directly or indirectly, issues or causes to be issued, any stock or stock certificate or other evidence of interest or ownership, or bond, note or other evidence of indebtedness, in nonconformity with the order of the commission authorizing the same, or contrary to the provisions of this act, or of the constitution of this state, or which applies the proceeds from the sale thereof, or any part thereof, to any purpose other than the purpose or purposes specified in the commission's order, as herein provided, or to any purpose specified in the commission's order in excess of the amount in said order authorized for such purpose, is subject to a penalty of not less than five hundred dollars nor more than twenty thousand dollars for each offense.

Officers,
agents, etc.,
guilty of
felony.

(f) Every officer, agent or employee of a public utility, and every other person who knowingly authorizes, directs, aids in, issues or executes, or causes to be issued or executed, any stock or stock certificate or other evidence of interest or ownership, or bond, note or other evidence of indebtedness, in nonconformity with the order of the commission authorizing the same, or contrary to the provisions of this act or of the constitution of this state, or who, in any proceeding before the commission, knowingly makes any false statement or representation or with knowledge of its falsity files or causes to be filed with the commission any false statement or representation which said statement or representation so made, filed or caused to be filed may tend in any way to influence the commission to make an order authorizing the issue of any stock or stock certificate or other evidence of interest or ownership, or any bond, note or other evidence of indebtedness, or which results in procuring from the commission the making of any such order, or who, with knowledge that any false statement or representation was made to the commission, in any proceeding, tending in any way to influence the commission to make such order, issues or executes or negotiates, or causes to be issued, executed or negotiated any such stock or stock certificate or other evidence of interest or ownership, or bond, note or other evidence of indebtedness, or who, directly or indirectly, knowingly applies, or causes or assists to be applied the proceeds or any part thereof, from the sale of any stock

or stock certificate or other evidence of interest or ownership, or bond, note or other evidence of indebtedness, to any purpose not specified in the commission's order, or to any purpose specified in the commission's order in excess of the amount authorized for such purpose, or who, with knowledge that any stock or stock certificate or other evidence of interest or ownership, or bond, note or other evidence of indebtedness, has been issued or executed in violation of any of the provisions of this act, negotiates, or causes the same to be negotiated, shall be guilty of a felony.

(g) No provision of this act, and no deed or act done or performed under or in connection therewith, shall be held or construed to obligate the State of California to pay or guarantee, in any manner whatsoever, any stock or stock certificate or other evidence of interest or ownership, or bond, note or other evidence of indebtedness, authorized, issued or executed under the provisions of this act. State not obligated.

(h) All stocks and stock certificates or other evidence of interest or ownership, and bonds, notes and other evidences of indebtedness issued by any public utility after this act takes effect, upon the authority of any articles of incorporation or amendments thereto or vote of the stockholders or directors filed, taken or had, or other proceedings taken or had, previous to the taking effect of this act, shall be void, unless an order of the commission authorizing the issue of such stocks or stock certificates or other evidence of interest or ownership, or bonds, notes or other evidences of indebtedness shall have been obtained from the commission prior to such issue. The commission may by its order impose such condition or conditions as it may deem reasonable and necessary. Unauthorized stock void.

CHAPTER 407.

An act to amend section four thousand two hundred sixty of the Political Code, relating to the salaries, fees and expenses of officers, their clerks, deputies, stenographers and assistants, in counties of the thirty-first class.

[Approved by the Governor May 23, 1925.]

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

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

4260. In counties of the thirty-first 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: Counties of 31st class: salaries and fees of officers.

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 at a salary of one thousand five hundred dollars per annum, and a copyist Clerk.

and stenographer at a salary of nine hundred dollars per annum, which offices are hereby created and said salaries fixed, 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.

Sheriff.

2. The sheriff, four thousand five hundred dollars per annum. In counties of this class the sheriff may appoint an undersheriff, which office of undersheriff is hereby created, and said undersheriff shall receive as compensation for all services performed as such the sum of one thousand eight 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 compensations 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.

3. The recorder, two thousand dollars per annum; Recorder. *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 one thousand two hundred 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.

4. The auditor, two thousand four hundred dollars per annum; Auditor. *provided*, that in counties of this class the auditor may appoint a deputy, which office of deputy auditor is hereby created, and said deputy auditor shall receive as compensation for all services performed as such, the sum of nine 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. In counties of this class the auditor may appoint additional deputies, to serve during the month that installments of taxes on real property are due and payable but not delinquent, and such deputy auditor shall receive as compensation for all services performed as such the sum of four dollars per day for each day actually employed, and the total compensation, in the aggregate, shall not exceed the sum of two hundred twenty-five dollars per annum for all additional deputies employed. Such compensation shall be

paid out of the county treasury, at the same time and out of the same fund as salaries of county officers are paid.

Treasurer.

5. The county treasurer, three thousand dollars per annum. 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.

Tax collector.

6. The tax collector, two thousand dollars per annum; *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 nine 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. In counties of this class the tax collector may appoint a cashier which office of cashier to the tax collector is hereby created, and said cashier shall receive as compensation for all services performed as such the sum of four dollars per day for each day actually 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; *provided*, that such cashier shall be paid for not to exceed two hundred days in any one calendar year. 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.

Assessor.

7. The assessor, three thousand six hundred dollars per annum; *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 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. The assessor may also appoint one copyist, which office of copyist is hereby created, to serve for not more than one hundred twenty days in any one year, and said copyist shall receive as compensation for all services performed as such, the sum of five dollars per day for each day actually and necessarily employed as such. 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 seven 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 assessor, 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.

8. The district attorney, two thousand five hundred dollars Attorney. 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 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 that salaries of county officers are paid.

9. The coroner, nine hundred dollars per annum. Coroner. In counties of this class the coroner shall be allowed his actual traveling expenses in the performance of his official duties in the county when called away from the county seat, which are hereby declared to 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. All fees, commissions or other compensations allowed by law to the coroner 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.

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

11. The superintendent of schools, two thousand dollars Supt. of schools. 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 one thousand

two 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; *provided*, that whenever it is necessary to furnish, or otherwise make the county assessor a new and complete set of block books, the board of supervisors may employ a competent draftsman for the purpose of making such block books, who shall receive a salary of eight dollars per day for each day actually and necessarily employed, or contract with some other competent person for the making thereof. 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.

Classification
of townships.

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 1920 as follows: 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.

Justices of
the peace.

14. Justices of the peace shall receive the following salaries, which shall be paid monthly, 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, to wit:

1. In townships of the first class, one hundred dollars per month: *provided*, that commencing on the first Monday after the first day of January in the year 1927, justices of the peace of townships of the first class shall receive the sum of one hundred fifty dollars per month, to be paid in the same manner as county officers; *and provided, further*, that

said justice may, in the interim, appoint a clerk at a salary of twenty-five dollars per month, to be paid in like manner, which salary shall cease on the first Monday after the first day of January, 1927.

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 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: Constables.

1. In townships of the first class, one hundred dollars per month when there is but one constable provided for said class, and seventy-five dollars per month when more than one constable is provided for said class;

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.

16. Each member of the board of supervisors shall receive one thousand two hundred dollars per annum, payable in equal monthly installments and which shall be in full for all services rendered as supervisors. Supervisors.

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. Jurors.

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.

Effective.

18. The salaries herein provided in this act for deputies, assistants and stenographers, shall take effect and be in force from and after the approval of this act.

Effect of act.

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

CHAPTER 408.

An act to amend section five hundred twenty-six of the Code of Civil Procedure, relating to injunctions.

[Approved by the Governor May 23, 1925.]

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

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

526. An injunction may be granted in the following cases:

1. When it appears by the complaint that the plaintiff is entitled to the relief demanded, and such relief, or any part thereof, consists in restraining the commission or continuance of the act complained of, either for a limited period or perpetually;

2. When it appears by the complaint or affidavits that the commission or continuance of some act during the litigation would produce waste, or great or irreparable injury, to a party to the action;

3. When it appears, during the litigation, that a party to the action is doing, or threatens, or is about to do, or is procuring or suffering to be done, some act in violation of the rights of another party to the action respecting the subject of the action, and tending to render the judgment ineffectual;

4. When pecuniary compensation would not afford adequate relief;

5. Where it would be extremely difficult to ascertain the amount of compensation which would afford adequate relief;

6. Where the restraint is necessary to prevent a multiplicity of judicial proceedings;

7. Where the obligation arises from a trust.

An injunction can not be granted:

1. To stay a judicial proceeding pending at the commencement of the action in which the injunction is demanded,

When injunction may or may not be granted.

unless such restraint is necessary to prevent a multiplicity of such proceedings;

2. To stay proceedings in a court of the United States;

3. To stay proceedings in another state upon a judgment of a court of that state;

4. To prevent the execution of a public statute by officers of the law for the public benefit;

5. To prevent the breach of a contract (other than a contract in writing for the rendition or furnishing of personal service from one to another where the minimum compensation for such service is at the rate of not less than six thousand dollars per annum, and where the promised service is of a special, unique, unusual, extraordinary or intellectual character which gives it peculiar value the loss of which can not be reasonably or adequately compensated in damages in an action at law) the performance of which would not be specifically enforced; *provided, however*, that an injunction may be granted to prevent the breach of a contract entered into between any nonprofit cooperative corporation or association and a member or stockholder thereof, in respect to any provision regarding the sale or delivery to the corporation or association of the products produced or acquired by such member or stockholder.

6. To prevent the exercise of a public or private office, in a lawful manner, by the person in possession;

7. To prevent a legislative act by a municipal corporation.

CHAPTER 409.

An act to amend section three thousand four hundred twenty-three of the Civil Code, relating to injunctions.

[Approved by the Governor May 23, 1925.]

The people of the State of California do enact as follows:

SECTION 1. Section three thousand four hundred twenty-three of the Civil Code is hereby amended to read as follows:

3423. An injunction can not be granted:

First—To stay a judicial proceeding pending at the commencement of the action in which the injunction is demanded, unless such restraint is necessary to prevent a multiplicity of such proceedings. When injunction may not be granted.

Second—To stay proceedings in a court of the United States.

Third—To stay proceedings in another state upon a judgment of a court of that state.

Fourth—To prevent the execution of a public statute, by officers of the law, for the public benefit.

Fifth—To prevent the breach of a contract, other than a contract in writing for the rendition or furnishing of personal services from one to another where the minimum compensation for such service is at the rate of not less than six thousand dollars per annum and where the promised service is of

a special, unique, unusual, extraordinary or intellectual character, which gives it peculiar value the loss of which can not be reasonably or adequately compensated in damages in an action at law, the performance of which would not be specifically enforced; *provided, however*, that an injunction may be granted to prevent the breach of a contract entered into between any nonprofit cooperative corporation or association and a member or stockholder thereof in respect to any provision regarding the sale or delivery to the corporation or association of the products produced or acquired by such member or stockholder.

Sixth—To prevent the exercise of a public or private office, in a lawful manner, by the person in possession.

Seventh—To prevent a legislative act by a municipal corporation.

CHAPTER 410.

An act to amend section six hundred twenty-eight f of the Penal Code, relating to the protection of fish.

[Approved by the Governor May 23, 1925.]

The people of the State of California do enact as follows:

SECTION 1. Section six hundred twenty-eight f of the Penal Code is amended to read as follows:

628f. Every person who between the fifteenth day of January and the fifteenth day of March of the same year, both dates inclusive, takes, catches, kills or has in his possession any pink abalone (*Haliotis corrugata*), or any red abalone (*Haliotis rufescens*), or any black abalone (*Haliotis crackerodie*), or any green abalone (*Haliotis fulgens*) is guilty of a misdemeanor. Every person who at any time, takes, catches, kills or has in his possession any red abalone (*Haliotis rufescens*), the shell of which is less than seven inches in greatest diameter, or any green abalone (*Haliotis fulgens*), the shell of which is less than six and one-half inches in greatest diameter, or any pink abalone (*Haliotis corrugata*), the shell of which is less than six inches in greatest diameter, or any black abalone (*Haliotis crackerodie*), the shell of which is less than five inches in greatest diameter, 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, dries any abalones (*Haliotis*), or who 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 or abalone shells, excepting articles manufactured from abalone shells; or who takes, catches, kills or has in his possession any abalone (*Haliotis*) taken, caught or killed with a spear shall be guilty of a misdemeanor; *provided, further*, that nothing in this sec-

Protection
of abalone
and clams.

tion shall prohibit any person from holding in his possession during the closed season, sliced abalone legally caught in the open season when the holder of such abalone shall comply with the regulations to be prescribed by the fish and game commission. Every person who, in the fish and game districts fifteen, sixteen, seventeen, nineteen, twenty and twenty "A" 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, in fish and game districts fifteen, sixteen, seventeen, nineteen, twenty and twenty "A," takes, catches, or kills or has in possession during any one calendar day more than ten abalone (*Haliotis*), or who takes, catches or kills more than twenty abalones in any calendar week, shall be guilty of a misdemeanor; *provided*, that the daily or weekly limits herein provided for fish and game districts fifteen, sixteen and seventeen shall not apply to abalones brought in by boats were not caught or taken in fish and game districts fifteen, sixteen or seventeen. Every person who in fish and game districts ten and eighteen in the waters lying between high water mark and a line twenty feet beyond extreme low tide line, takes more than ten abalones in any one calendar day or who sells or offers for sale any of said abalones is guilty of a misdemeanor.

Every person who in fish and game districts ten or eighteen takes or has in possession for commercial purposes any red abalones whose shells measure less than eight inches in greatest diameter is guilty of a misdemeanor.

None of the provisions of this act shall apply to abalone or clams 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 prescribed by the fish and game commission; *provided, however*, that such clams and abalones must conform to the size limits as provided in the laws of this state, and must not be brought into this state or held in possession during the closed season for clams or abalones as provided in the laws of this state; *and provided, further*, that the expense of such inspection shall be determined by the fish and game commission and must be paid by the importer of such clams and abalones; *provided, however*, that no abalone may be taken for commercial purposes from the area lying between a line extending due west from Point Buchon and a line extending due west from the mouth of Pico creek, both in San Luis Obispo county.

Every person who gathers or takes in any manner or destroys or has in his possession any clam known as the Pismo clam (*Trivela stultorum*) whose shell shall measure less than four and three-quarter inches in greatest diameter or who during any one calendar day, takes, gathers in any manner or has in his possession more than fifteen of said clams or who, between the first day of May and the thirty-first day of August, both dates inclusive, of any year, takes, catches or gathers any clams in fish and game district seventeen is guilty of a misdemeanor.

Every person who takes, gathers in any manner or has in his possession, or who ships, offers for shipment, or sells or offers for sale any cockles or little-neck clams (*Tapes staminea*) whose shell measures less than one and one-half inch in greatest diameter; every person who takes, catches or gathers in any manner any razor clam (*Siliqua patula*), except during a period of forty-eight hours beginning at the first low tide after the first high tide (large water) of the full moon of each month and for a period of forty-eight hours beginning at the first mean low tide after the first high tide (large water) of the new moon of each month, or who takes, catches or gathers in any way more than fifty of said razor clams (*Siliqua patula*) during any one calendar day is guilty of a misdemeanor.

Every person who during any one calendar day takes, gathers in any manner, or has in his possession, or who ships, offers for shipment, sells or offers for sale, more than ten clams of the species *Schizothaerus nuttallii*, variously known as rubber-neck, big-neck, or great Washington clam, is guilty of a misdemeanor. Every person who during any one calendar day takes, gathers in any manner, more than ten black abalones in fishing districts fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty "A," and twenty-one is guilty of a misdemeanor.

Every person who takes, catches or kills or has in possession any clam or clams taken from fish and game districts eight or nine, between the first day of May and the thirty-first day of August of any year, both dates inclusive; or who at any time ships or offers for shipment or receives for shipment or transportation, to any place outside the limits of fish and game district one, any clam or clams of any species taken in fish and game districts seven, eight or nine, is guilty of a misdemeanor.

Every person violating any of the provisions of this section upon conviction thereof shall be punished by a fine of not less than twenty-five nor more than five hundred dollars or by imprisonment in the county jail in the county in which the conviction shall be had not less than ten days nor more than six months or by both such fine and imprisonment; and all fines and forfeitures imposed or collected for any violation of the provisions of this section must be paid into the state treasury to the credit of the fish and game preservation fund.

CHAPTER 411.

An act making an appropriation for construction and equipment at California Polytechnic School or California Institute.

[Approved by the Governor May 23, 1925.]

The people of the State of California do enact as follows:

SECTION 1. Out of any money in the state treasury not otherwise appropriated, the sum of fifty thousand dollars is

hereby appropriated to be expended in accordance with law for the construction and equipment of one or more buildings at California Polytechnic School or California Institute situated at or near San Luis Obispo in San Luis Obispo county.

CHAPTER 412.

An act to impose a license fee for the transportation of persons or property for hire or compensation upon public streets, roads and highways in the State of California by motor vehicle; to provide for certain exemptions; to provide for the enforcement of the provisions hereof and for the disposition of the amounts collected on account of such licenses; to make an appropriation for the purpose of this act; and to repeal all acts or parts of acts in conflict herewith.

[Approved by the Governor May 23, 1925.]

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.

(a) The phrase "railroad commission certificate" shall be construed to mean a certificate of public convenience and necessity granted or issued by the railroad commission of the State of California, authorizing a common carrier by motor vehicle to operate under the conditions prescribed by said commission, and shall also include all amendments to or changes in such certificate which may be made by said commission. "Railroad commission certificate."

(b) The word "operator" shall include all persons, firms, associations and corporations who operate motor vehicles upon any public highway in this state and thereby engage in the transportation of persons or property for hire or compensation, but shall not include any person, firm, association or corporation who solely transports by motor vehicle persons to and from or to or from attendance upon any public school or who solely transports his or its own property, or employees, or both, and who transports no persons or property for hire or compensation, but all persons operating freight carrying vehicles so exempted shall be required to obtain from the state board of equalization and to display exempt emblems in the manner hereinafter provided. "Operator."

(c) The term "registration certificate" shall include any and all certificates of registration of a motor vehicle issued by the division of motor vehicles of the department of finance of the State of California, or by any governmental body within said state under which the laws of the said state may have power or authority to register and certify to the registration of a motor vehicle for operation within said state. "Registration certificate."

"Motor vehicles."

(d) The word "motor vehicles" shall mean and include all vehicles, automobiles, trucks or trailers operated upon or over public highways of this state whether the same be propelled or operated by steam or electricity, or propelled or operated by combustion of gasoline, distillate or other volatile and inflammable liquid fuels.

"Gross receipts."

(e) The term "gross receipts from operation" shall include all receipts from the operation of such motor vehicle or vehicles beginning and ending entirely within this state and a proportion based upon the proportion of the mileage within this state to the entire mileage over which such business is done of gross receipts by such operator on all business passing through, into or out of this state, or partly within and partly without this state, it being the intention hereof not to base all or any portion of the license fee hereby imposed upon any receipts from interstate commerce, or upon the right or privilege to engage in interstate commerce.

License to operate required.

SEC. 2. Each operator of a motor vehicle within this state who transports or desires to transport for compensation or hire persons or property upon or over any public highway within this state shall apply to and secure from the board of equalization of the State of California a license to operate each and all of the motor vehicles which such operator desires to operate or which such operator from time to time may operate.

Issuance of license.

SEC. 3. Such license must be issued upon the filing with said board of a verified application by the applicant or his or its duly authorized agent in the form to be prescribed by said board. Said board shall transmit to the state controller each month a list of the operators of motor vehicles securing licenses from it under the provisions of this act, together with the amount of tax collectible from each operator.

Quarterly report.

SEC. 4. Within twenty days after the end of each quarter of the calendar year such applicant shall file with the state board of equalization a report upon forms to be provided by that board showing such information relating to its operations as that board may require to enable it to make the assessment herein provided for, *provided*, that if any operator refuses or neglects to make the report herein required within twenty-five days after the close of any quarter, then the state board of equalization shall from its best information make an arbitrary assessment for such operator. If it shall appear from a report thereafter filed for such quarter that the arbitrary tax so fixed is in excess of the amount actually due then the state board of equalization shall be authorized to give such operator a credit upon his next quarterly report of a sum which will reduce such excess to not less than twenty-five per cent more than the amount actually found to be due, and such operator shall within thirty-five days after the end of each quarter pay to the state controller of the State of California an amount equal to four per cent of said applicant's gross receipts from operation derived by such applicant from

Tax upon gross receipts.

the operation of such motor vehicles during the preceding quarter; *provided*, that there shall be deducted from said four per cent of the gross receipts the amount of any county or municipal licenses, and any city, or county or city and county taxes paid by such operators to any city, or county, or city and county in this state upon any of the property actually used and necessary in the operation of such motor vehicles for the transportation of persons or property and upon such payment said state controller shall issue a receipt, in duplicate, to such applicant.

SEC. 5. Said board of equalization shall have the power and authority to prescribe the forms of all reports of gross receipts from operation necessary to enable it or the state authorities to determine the amount and character thereof, and shall have power to subpoena witnesses duces tecum at any point within the State of California, and the state controller shall have the power to request the attorney general of said state to bring suit for the recovery of any unpaid license fee and costs. It shall be the duty of the attorney general to bring such suit on the written request of said state controller and in the name of said people of the State of California in a court of competent jurisdiction in the county of Sacramento; payment of an amount to said state controller for and on account of such license fee and the acceptance thereof shall not bar an action by the state to recover an additional amount for the same quarter which may actually be due. Any license holder may pay to the state controller all or any portion of the license fee hereby imposed under written protest and may bring an action against the state treasurer in his official capacity in the superior court of the State of California in and for the county of Sacramento, and obtain a judgment that said license fee has been in whole or in part illegally or unlawfully exacted or collected, and said judgment may be made the basis for an appropriation by the legislature of said state to reimburse said license holder, or his, or its, heirs, executors, successors, administrators or assigns, in the amount of said judgment without interest or costs.

Recovery
of unpaid
taxes.

Payment
under
protest.

SEC. 6. Upon the issuance of a license by said board of equalization to an operator of a motor vehicle or vehicles said board shall furnish to such operator duplicate emblems or plates for each motor vehicle desired to be operated by such operator under such license, which emblems shall be attached to and conspicuously displayed upon each of the motor vehicles, authorized to be operated by said license, in the same manner as is required for motor vehicle registration license plates. Said emblems shall be numbered in pairs. Each pair shall bear a different number and said board shall keep a record of the emblems so issued, with the date of issuance, and the name of the operator to whom said emblems may be issued. Said board shall charge and collect from such operator the cost to the state of the manufacture and delivery to said board of such emblems and actual costs of mailing to licensee if not

License
plates or
emblems.

Revolving
fund.

called for. There is hereby appropriated out of any moneys in the motor vehicle fuel fund, not otherwise appropriated, the sum of five thousand dollars for the purpose of designing, preparing and securing such emblems; said money to be expended by said board on warrants drawn in the manner provided by law, and said amount to be a revolving fund into which shall be paid from time to time as they are collected the amounts received from operators of motor vehicles for said emblems and the legislature may from time to time withdraw from said fund such amounts as it may deem proper; *provided*, that said fund shall not be decreased below the sum of five thousand dollars. There is also hereby appropriated out of said motor vehicle fuel fund the sum of twenty thousand dollars annually, or so much thereof as may be necessary, to be used by the state board of equalization to carry out the provisions of this act.

Annual
appropriation.

Offenses
and
penalties.

SEC. 7. Any person, firm, association, or corporation who shall use any public highway in this state for the transportation of persons or property for hire, either as a public or a private carrier, without first obtaining the license herein provided for, or without carrying upon each motor vehicle so used the emblems herein provided for, or who fails, neglects or refuses to make any return hereunder or any report required by the state board of equalization, or who makes any false return, and any person exempt from this tax who so neglects or refuses to obtain and display exempt emblems as required in subdivision (b) hereof, shall be guilty of a misdemeanor and shall be punishable by a fine not exceeding five hundred dollars or by imprisonment not exceeding six months, or by both such fine and imprisonment. Any such operator of a motor vehicle who holds a California railroad commission certificate entitling him or it to operate as a common carrier and who fails, neglects or refuses for the period of thirty-five days from the end of any quarter of the calendar year to pay the license fee hereby imposed shall have his or its certificate revoked by said railroad commission, and it shall be mandatory upon said railroad commission to revoke said certificate upon written complaint to it by said board of equalization that said operator has for the period of thirty days failed, neglected or refused to pay such license fee, and said revocation shall be in addition to and independent of the penalty for misdemeanor herein prescribed; *provided*, that no such written complaint shall be made by such board until after notice by registered mail or personal service has been given such operator and he has had an opportunity to be heard thereon. If any such operator of a motor vehicle shall fail, neglect or refuse for the period of thirty days next succeeding the end of any quarter of a calendar year to pay the license fee hereby imposed, the division of motor vehicles of the department of finance of the State of California shall upon written complaint of said board of equalization and upon ten days notice to such operator, suspend, until the

payment of said license fee is made, any and all registration certificates held by such operator for any motor vehicles employed by him or it in the business of transportation of persons or property upon the highways of this state for hire.

SEC. 8. All sums paid to the state controller under and by virtue of this act, shall be deposited by him in the state treasury to the credit of the motor vehicle fuel fund, subject to the provisions of section six hereof and the balances thereof shall be applied and the same are hereby appropriated one-half to the State of California to be devoted exclusively to the maintenance and repair of public highways within this state; the remaining one-half shall be apportioned among the respective counties of this state, in the proportion that the number of motor vehicles registered within such county for the preceding calendar year bears to the total number of motor vehicles registered in the State of California under the motor vehicle act of such state for the preceding year, and such sums so paid to said counties shall be devoted exclusively to the maintenance and repair of the public highways within such county; *provided*, that from any sums found to be due to any county under the provisions of this act there shall first be deducted the total of all county and city licenses collected in such county from the operators covered by the provisions hereof and any county, and city and county or city taxes collected upon the operative property of such operators within such county. All such sums so deducted shall revert to the counties' portion of the motor vehicle fuel fund and shall be apportioned to the several counties in the proportion herein provided.

Disposition
of moneys
paid to state
controller.

SEC. 9. This act shall not apply to hotel busses meeting trains or boats, nor to taxicabs, drays, transfer vehicles and other like city motor vehicles operating within incorporated cities or towns or the usual transfer delivery zone adjacent thereto, nor shall it apply to such vehicles operating between incorporated cities or towns where no portion of any state or county highway is traversed in said operation.

Exempted
vehicles.

SEC. 9½. Nothing in this act shall be construed to apply to nor to levy a license upon that part of the gross income from the operation of any motor vehicle earned on account of carrying United States mail or parcels post under any contract with the United States government entered into prior to the first day of May nineteen hundred twenty-five.

Carriers of
U. S. mail.

SEC. 10. All acts and parts of acts in conflict herewith are hereby repealed; *provided, however*, that nothing herein shall be construed as affecting or repealing the provisions of an act entitled "An act providing for the supervision and regulation of the transportation of persons and property for compensation over any public highway by automobiles, jitney busses, auto trucks, stages and auto stages; defining transportation companies and providing for the supervision and regulation thereof by the railroad commission; providing for the enforcement of the provisions of this act and for the punish-

Repealed.

ment of violations thereof; and, repealing all acts inconsistent with the provision of this act," approved May 10, 1917, as amended.

Stats. 1923.
p. 706,
repealed.

SEC. 11. An act entitled "An act to impose a license fee for the transportation of persons or property for hire or compensation upon public streets, roads, and highways in the State of California by motor vehicle; to provide for certain exemptions; to provide for the enforcement of the provisions hereof and for the disposition of the amounts collected on account of such licenses; to make an appropriation for the purposes of this act; and to repeal all acts or parts of acts in conflict herewith," approved June 13, 1923, is hereby repealed.

Constitution-
ality.

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 and phrase thereof, irrespective of the fact that any one or more of the sections, subsections, clauses or phrases be declared unconstitutional.

CHAPTER 413.

An act to provide for a permanent historical exhibit at Sutter's Fort, and to make an appropriation therefor.

[Approved by the Governor May 23, 1925.]

The people of the State of California do enact as follows:

Appropriation:
Sutter's
Fort.

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 board of control for the installation and maintenance at Sutter's Fort in Sacramento of historical exhibits pertaining to the history of California.

CHAPTER 414.

An act to amend section four thousand one hundred eighty-nine of the Political Code, relating to service of writs, notices and other process in justices' courts.

[Approved by the Governor May 23, 1925.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand one hundred eighty-nine of the Political Code is hereby amended to read as follows:

Service
of process.

4189. All writs, notices or other process issued by justices or justices' courts in civil actions or proceedings may be served by any duly elected, qualified and acting constable or con-

stables or sheriff of the county in which the same was issued and by any duly elected, qualified and acting constable or sheriff of any other county of the state subject to the provisions of the Code of Civil Procedure as to the service of papers, writs and process of the justice's court outside of the county in which the same is issued.

CHAPTER 415.

An act to amend sections thirteen, fourteen, sixteen, seventeen, twenty and twenty-one of an act known as the "general dairy law of California," approved June 15, 1923, relating to insanitary dairies, creameries, licenses, milk fat tests, dairy statistics and the powers and duties of the department of agriculture of the State of California in connection therewith.

[Approved by the Governor May 23, 1925.]

The people of the State of California do enact as follows:

SECTION 1. Section thirteen of an act known as the "general dairy law of California," approved June 15, 1923, is hereby amended to read as follows: Stats. 1023,
p. 862,
amended.

Sec. 13. (a) A dairy shall be deemed insanitary within the meaning of this act in the following cases: Unsanitary
dairies.

(1) If the pails, cans, bottles or other containers for milk or its products, or the strainers, coolers or other utensils, appliances, apparatus or equipment coming in contact with the milk or its products are not thoroughly washed and afterward sterilized by exposing them to water or water vapor at a temperature above one hundred seventy degrees Fahrenheit for a period of at least fifteen minutes or by boiling water or by superheated steam each and every time the same are used; or if the said containers, utensils, appliances or equipment after sterilization are not adequately dried and protected from flies and dust and all other contaminations; or if any of said containers, utensils, appliances or equipment shall be used for any purpose other than that of handling milk or the products of milk.

(2) If the udder, flanks, hind legs and tail of cows are not reasonably clean during milking.

(3) If the milk or cream is not protected from contamination by dust and flies.

(4) If the person or wearing apparel of the dairyman, his employees or other persons who handle the milk or its products are soiled or not washed with reasonable frequency, or if the hands of milkers are not clean during the entire period of milking.

(5) If the milk or cream is not cooled to as low a temperature as practicable within one hour after it is drawn from the cows, and kept as cool as conditions will permit until delivery to the plant or consumer.

(6) If a suitable milk house or room, properly screened to exclude flies and insects is not provided and maintained for the purpose of separating, cooling, mixing, canning and keeping, or otherwise caring for the milk or cream. Said milk house or room shall not be located in or be a part of any residence or dwelling house, or any barn or poultry house, and shall not be used for any other purpose whatsoever; and if any milk or cream shall be separated, cooled, mixed, canned or kept in any room or place which is occupied by any person or persons as a sleeping or living apartment, or occupied by horses, fowls, cows, hogs or other animals.

(7) If any urinal, privy vault, open cesspool, pig pen, stagnant water, accumulation of manure or other filth is permitted within one hundred feet of the milk house or room, or within fifty feet of any cow stables or stanchions or other place where milking is done.

(8) If to the interior of cattle stables, barns, milking sheds, milk house or room, an application of lime whitewash or paint is not made if in the judgment of an authorized inspector, it is needed.

(9) If the walls become soiled with manure, urine or other filth.

(10) If the yards or enclosures are filthy or insanitary, or if any part of such yards or enclosures, other than pastures, are made the depositories of manure in heaps or otherwise, where it is allowed to ferment and decay.

(11) If the water supply for use around the dairy or for drinking by live stock is stagnant, polluted with manure, urine, drainage, decaying vegetable or animal matter or pathogenic bacteria from any source.

(12) If the feed is spoiled, or otherwise unfit for feeding cows for the production of milk.

(b) The dairy farm score card used for the official scoring of dairies in the State of California, shall be that established by the regulations adopted by the department of agriculture of the State of California as provided for in section twenty-one of this act.

Score
card.

Stats. 1923,
p. 863,
amended.
Unsanitary
creameries.

SEC. 2. Section fourteen of said act, approved June 15, 1923, is hereby amended so as to read as follows:

Sec. 14. (a) A creamery or any factory of dairy products or any store, depot or other place where milk is handled or kept for sale, shall be deemed insanitary within the meaning of this act in the following cases:

(1) If milk or cream is received that has reached an advanced stage of fermentation, or that shows a state of putrefactive fermentation, or contains foreign substances detrimental to the quality of the manufactured product.

(2) If the utensils and apparatus that come in contact with milk or its products in the process of manufacture are not thoroughly washed and sterilized by means of boiling water or superheated steam, after each using, and if the cans or containers in which the milk or cream is received, transported

or delivered are not thoroughly washed, sterilized and dried after emptying and before being sent out to be used again.

(3) If the floor is so constructed as to permit the flowing of water, milk or other liquids underneath or among the interstices of such floor, where fermentation and decay can take place, or if such floor can not be readily kept free from dirt.

(4) If drains are not provided that will convey refuse milk, water and sewage away to a point at least fifty yards distant from such creamery or factory of dairy products, or if any cesspool, privy vault, hog yard, slaughter house, manure or any decaying vegetable or animal matter shall be so located as to permit foul odors to reach any such creamery or other factory of dairy products or store room or depot where milk or its products are sold or handled; and if the water supply of the plant is subject to pollution with sewage or contamination with pathogenic bacteria unless said water be subjected to efficient chlorination or otherwise treated to make it safe for use in connection with the manufacture of food products.

(5) If such creamery or factory of dairy products does not permit access of light and air sufficient to secure good ventilation.

(6) If in any building or buildings used in connection with any creamery, or factory of dairy products, any insects or other species of animal life are permitted, or if upon the floor or walls any milk or its products or any other filth is allowed to accumulate or ferment, or decay, or if the bodies or wearing apparel of persons employed, or coming in contact with any milk or its products in any creamery, or factory of any dairy products, are unclean and not washed from time to time with reasonable frequency, and if suitable toilet and lavatory facilities and clean towels are not provided for employees.

(b) The score cards used for the official scoring of factories of dairy products shall be those established by the regulations adopted by the department of agriculture of the State of California as provided for in section twenty-one of this act.

Score
cards.

SEC. 3. Section sixteen of said act, approved June 15, 1923, is hereby amended to read as follows:

Stats. 1923
p. 865,
amended.

Sec. 16. (a) Every person, firm or corporation, before regularly engaging in the business of dealing in, receiving, manufacturing or processing milk or any product of milk shall obtain a license to do so for each separate plant or place of business from the department of agriculture of the State of California; *provided*, that nothing in this section shall apply to retailers dealing in finished products received from a distributor or producer in final form. Upon receipt of an application for such license, the said department of agriculture shall investigate the equipment and the sanitary condition of the plant where milk or the products of milk are to be received, processed or manufactured, and provide the applicant with a copy of the dairy laws of the state. If the condition of the plant is found to be satisfactory, a "factory license" shall be issued by said department of agriculture to such

Factory
licenses.

applicant upon receipt of a license fee of ten dollars (\$10). All factory licenses herein required shall expire at the end of each calendar year; *provided*, that such license shall remain in full force and effect during the month of January of the next succeeding year or such part thereof as may be necessary for the renewal of said license by the department of agriculture. All licenses may be renewed each successive year provided that the plant for which previous license was issued or the business thereof shall have been conducted in accordance with the requirements of this act during the year next preceding that for which renewal is contemplated. The fee for the renewal of such license shall be one dollar for each one hundred thousand pounds of milk fat or part thereof, or each four hundred thousand gallons of milk or part thereof, purchased or received during the preceding year, ending the thirty-first day of December; *provided*, in no case shall the renewal fee exceed ten dollars. The correct amount of the fee for the renewal of said license shall be forwarded with said application for its renewal. Any factory license may be suspended or revoked by the said department of agriculture for violation of this act, or amendments thereto, or for violation of the rules and regulations for its enforcement as provided in section twenty-one of this act.

Tester's
licenses.

(b) All persons who shall test milk or cream purchased or received on the basis of the milk fat contained therein must first obtain and hold a license to do so from the department of agriculture of the State of California, said license to be known as a "tester's license." Any method or process which gives accurate results may be used; *provided*, that all glassware and other apparatus must be examined for accuracy and the procedure be approved by the department of agriculture of the State of California; *and provided, further*, that a tester's license must be obtained for each method or process used. The said department of agriculture upon receipt of an application for such license, shall examine into the qualifications of the applicant and every applicant shall satisfy said department of agriculture of his qualifications, and shall have a thorough knowledge of the provisions of the law with which he must comply and pay a fee of five dollars before any such license shall be issued. Said application shall state the method of testing to be used by the applicant, which method must be approved by said department of agriculture before a license may be issued. All such licenses shall expire the thirty-first day of December of each year and may be renewed on the first of each successive year; *provided*, that all requirements of the law have been met by licensee during the next preceding year, and upon the payment of a renewal fee of one dollar. Applications for renewal of said license shall be made within thirty days prior to the expiration of the year. Any tester's license may be suspended or revoked by the said department of agriculture for violation, by the holder thereof, of this act or amendments thereto

or the rules and regulations for its enforcement, as provided in section twenty-one of this act.

(c) All persons other than licensed testers who shall take samples of milk or cream purchased or received on the basis of the milk fat contained therein, on which samples tests are to be made as a basis of payment; and all persons who shall make weighings of milk or cream, the weights thus obtained to be used as a basis of payment, must first obtain and hold a license to do so from the department of agriculture of the State of California, said license to be known as a "sampler's and weigher's license;" *provided*, that when the same person does both the sampling and weighing only one license shall be required; *and provided, further*, that in case of emergency a person may weigh or sample for a period not exceeding one week before making application for a license. The said department of agriculture upon receipt of an application for such license shall examine into the qualifications of the applicant, and every applicant shall satisfy said department of agriculture of his qualifications and shall have a thorough knowledge of the provisions of the law with which he must comply and pay a fee of one dollar before any such license shall be issued. All such licenses shall expire the thirty-first day of December of each year and may be renewed on the first of each successive year; *provided*, all requirements of the law have been met by the licensee during the next preceding year and upon the payment of a renewal fee of one-half dollar. Applications for renewal of said license shall be made within thirty days prior to the expiration of the year. Any sampler's and weigher's license may be suspended or revoked by the said department of agriculture for violation by the holder thereof of this act or amendments thereto or of the rules and regulations for its enforcement, as provided in section twenty-one of this act.

Sampler's
and weigher's
licenses.

Any person who shall take samples of milk or cream for testing shall be responsible for the safe keeping of all samples taken by him until delivery in an unchanged condition to a licensed tester.

SEC. 4. Section seventeen of said act, approved June 15, 1923, is hereby amended to read as follows:

Stats. 1923,
p. 866,
amended.

Sec. 17. (a) No person, firm or corporation shall fraudulently manipulate the measure, or weight or under-read, over-read or otherwise manipulate the test used for determining the per cent of milk fat in milk or cream, nor shall any person, firm or corporation take an unfair sample thereof on which a test is made, nor fraudulently manipulate such samples nor the records of any measurement, weight, or test, or combination thereof. A permanent record in duplicate of all tests of milk or cream purchased or received on the basis of the amount of milk fat contained therein, must be made by a tester licensed by the department of agriculture of the State of California, on standard forms supplied by, or in accordance with the specifications for such records, adopted by the said department of agriculture. Each test shall be legibly

Weighing
and sampling
milk.

Records.

recorded with indelible pencil or ink and shall be accompanied by the patron's name or number in such a manner as to correctly identify the test obtained upon the milk or cream of each patron. Each sheet or page shall be authenticated by the signature of the tester licensed by the said department of agriculture, and a duplicate record shall be deposited by said licensed tester immediately after completing the test on the day's samples in a box provided by the purchaser or receiver of milk or cream, said box to be constructed, sealed and maintained in accordance with the rules and regulations adopted by the said department of agriculture as provided in section twenty-one of this act. The original record shall be immediately delivered to the purchaser or receiver of said milk or cream, who shall retain said original record for a period of at least three months. The said licensed tester shall retain an unmodified sample of all milk or cream tested by him for a period of not less than forty-eight hours after tests of said milk or cream have been made and said purchaser or receiver of milk or cream shall provide a suitable place where such samples so retained may be kept and such place shall be acceptable to the said department of agriculture. When payment for milk or cream is made on the basis of the milk fat contained therein, samples shall be taken from each lot of said milk or cream upon delivery, and payment shall be made in accordance with the percentage of milk fat actually found in said samples; *provided*, that nothing in this section shall be construed to prohibit weighing and sampling on the route; *and provided, further*, that nothing in this section shall be construed to prohibit the use of composite samples.

Accuracy
of tests.

(b) All glassware, weights and scales used by licensed testers shall be accurate. Nothing in this section shall be construed as prohibiting the use of any method of testing approved as accurate by the department of agriculture of the State of California. All glassware shall be examined by said department of agriculture and if found to be accurate, each piece shall have a legible and indelible distinguishing mark placed upon it by the said department of agriculture.

Reading
of tests.

(c) In conducting the Babcock test, the milk fat column in tests on milk in milk test bottles shall be read from the extreme bottom of the fat column to the top of the top meniscus. In tests on cream in cream test bottles the meniscus at the top of the milk fat column shall be destroyed by the use of an overlying foreign oil approved by the department of agriculture of the State of California, and the milk fat column shall be read from the extreme bottom of the fat column to the plane of separation between the fat column and the overlying foreign oil. The reading of the test shall be made when the temperature of the milk fat is between 130 and 140 degrees Fahrenheit. All Babcock glassware and scales shall comply with the following specifications:

Specifications
for Babcock
glassware
and scales.

(1) Milk test bottle. The total per cent graduation shall be eight. The graduated portion of the neck shall have a length of not less than sixty-three and five-tenths millimeters

and the graduation shall represent whole per cent, five-tenths per cent and tenths per cent. The error in the total graduation or in any part thereof shall not exceed one-tenth of one per cent. The neck shall be cylindrical for at least five millimeters below the lowest and above the highest graduation mark.

(2) Fifty per cent nine gram long-neck cream test bottle. The total per cent graduation shall be fifty. The graduated portion of the neck shall have a length of not less than one hundred twenty millimeters. The graduation shall represent five per cent, one per cent and five-tenths per cent. The cylindrical part of the neck shall extend at least five millimeters below the lowest and above the highest graduation mark. Each bottle shall bear at the top of the neck above the graduations, in plain legible characters, a mark defining the weight of the charge to be used—nine grams. The error in the total graduation or in any part thereof, shall not exceed twenty-five hundredths of one per cent.

(3) Fifty per cent eighteen gram long-neck cream-test bottle. The total per cent graduation shall be fifty. The graduated portion of the neck shall have a length of not less than one hundred twenty millimeters. The graduation shall represent five per cent, one per cent and five-tenths per cent. The cylindrical part of the neck shall extend at least five millimeters below the lowest and above the highest graduation mark. Each bottle shall bear at the top of the neck above the graduations, in plain legible characters a mark defining the weight of the charge to be used—eighteen grams. The error in the total graduation or in any part thereof shall not exceed twenty-five hundredths of one per cent.

(4) Seventeen and six-tenths milliliter pipette. The delivery tube shall have a length of one hundred to one hundred twenty millimeters and an outside diameter between four and five-tenths and five and five-tenths millimeters, and a straight nozzle. The pipette shall contain seventeen and six-tenths milliliters of water at twenty degrees centigrade when the bottom of the meniscus coincides with the mark on the suction tube. The error in the graduation shall not exceed five one-hundredths of a milliliter.

(5) Scales or balance. The scales or balance used in weighing cream samples into the test bottles shall have a sensibility of not more than thirty milligrams.

(d) A fee of one dollar shall be paid by the owner of said glassware to the department of agriculture of the State of California for every dozen pieces of Babcock glassware examined in accordance with the provisions of paragraph (b) of this section. The said department shall charge fees for examining glassware and apparatus used in methods of testing other than the Babcock test, which fees shall be sufficient to cover the actual cost of such examination.

Examination
fees.

SEC. 5. Section twenty of said act, approved June 15, 1923, is hereby amended to read as follows:

Stats. 1923,
p. 869,
amended.

Collection and publication of statistics, etc.

Sec. 20. The department of agriculture of the State of California is authorized under this act to gather, compile and publish statistics relative to the dairy industry, and to disseminate the same and other information useful to the general good and development of the dairy industry of the state, and said department is authorized to make a suitable charge or charges for publications issued or which may be issued under the authority of this act. The said department of agriculture shall provide blanks for reporting dairy statistics, and shall annually, on or before the last day of December of each year, cause to be mailed to each person, firm or corporation engaged in operating any creamery, cheese factory, ice cream or ice milk plant, milk condensary and market milk distributor when necessary, one or more of such blanks and each such person, firm or corporation shall, on or before the first day of February following make out and transmit to said department of agriculture a full and accurate report of the amount of milk, cream, condensed or evaporated milk, butter, cheese, ice cream or other dairy products produced, purchased or manufactured or distributed during the year ending December thirty-first just preceding, and all milk or milk products plants purchasing milk and cream direct from farmers shall report a complete list of all persons from whom their product is obtained, giving the name and address, whenever possible, in each case.

Stats. 1923, p. 870, amended.

Duties of department of agriculture.

SEC. 6. Section twenty-one of said act, approved June 15, 1923, is hereby amended so as to read as follows:

Sec. 21. (a) It shall be the duty of the department of agriculture of the State of California to enforce the provisions of this act and the director of agriculture shall promulgate such rules and regulations as are incidental to the enforcement of the provisions and accomplishment of the purposes of this act.

Inspection of dairies, etc.

(b) The director of agriculture, through his agents or employees is hereby authorized to enter upon and inspect any dairy premises, creamery, cheese factory, ice cream factory, or other place where milk, cream or the products of milk of any kind are being produced, sold, handled, kept, transported, delivered, or used, or where they suspect that oleomargarine or substances designed to be used as a substitute for butter or imitation butter or imitation cheese or imitation milk are being manufactured, sold, kept, delivered, transported or stored in violation of any of the provisions of this act, and to take samples of dairy products, imitation milk or oleomargarine from such premises. The director of agriculture shall cause posters to be placed in a conspicuous manner on dairies throughout the state indicating in a brief and simple manner the most fundamental requirements for the production of dairy products.

Tolerance in weights, etc.

(c) No tolerances in weights, measures, percentages of milk fat, moisture or any other measure or standard shall be per-

mitted under or according to the provisions of this act, except where specific provisions are made in this act.

(d) The director of agriculture, through his agents or employees is authorized to condemn any milk, cream, butter, cheese, or other product of milk which is found to be impure, unclean, unwholesome, stale or that is produced, or manufactured by or kept in an insanitary place, or that is adulterated, and shall have power to destroy or mark for identification with a non-toxic substance all condemned milk, cream or products of milk; *provided*, that no manufactured product of milk or cream may be destroyed without due notice to the owner thereof and a hearing before the director of agriculture of the State of California, or other officer especially designated by him.

Condemnation of milk and milk products.

(e) Containers found to be used in violation of the requirements of section eighteen of this act shall be condemned and marked with the word, "condemned," in an appropriate manner, and shall not be used again in connection with the handling of milk or the products of milk for human consumption, until they have been cleaned or repaired in a manner acceptable to an authorized representative of the department of agriculture of the State of California.

Condemnation of containers.

(f) It shall be unlawful for any person, firm or corporation to prevent or interfere with or to attempt to nullify in any way the work of duly authorized representatives of the department of agriculture of the State of California or approved milk inspecting departments, or to interfere with or prevent any of said representatives from examining any records or books in the conduct of his official duty, or to prevent or interfere with any of said authorized representatives in the event they deem it advisable to secure samples of milk or products of milk, imitation milk, imitation butter or oleomargarine or any substance designed to be used as a substitute for milk or products of milk.

Interference with inspectors.

(g) The licenses issued in accordance with the provisions of section sixteen of this act, upon a hearing before the director of agriculture, of which the licensee shall have a written notice of the time and place of said hearing and the charges made against him, may be suspended or revoked by said director of agriculture if, after written notice, the licensee fails, after thirty days, to comply with the laws, rules and regulations under which the license was granted; *provided*, that no such thirty days' notice shall be required in cases of manipulation of the measures, weights, samples or tests for milk fat content of milk or cream upon which payment is based, or the records thereof.

Suspension or revocation of licenses.

(h) No prosecution based on a sample or samples of milk or products of milk shall be had, unless a duplicate of said sample or samples is left with the accused; *provided*, it shall not be required that samples taken in connection with the establishment of proof of fraudulent manipulation of the test for milk fat in milk or cream be given to the accused.

Prosecutions based on samples.

Duty of
district
attorneys.

(i) It shall be the duty of the district attorney of each and every county in this state, upon application of the department of agriculture of the State of California or its authorized representatives, to attend to the prosecution, in the name of the people, of any action brought for the violation of any of the provisions of this act within his county.

Effect
of act.

SEC. 7. It is hereby expressly provided that this amendment shall become an integral part of the general dairy law of California and that it shall be read and interpreted in connection with the context of said act as a whole, and that it is subject to the same general provisions relating to unlawful sales, enforcement, violations and penalties, as are provided by said law.

CHAPTER 416.

An act to amend section seven hundred thirty-seven b of the Political Code, relating to the salary of judges of the superior court in Imperial county.

[Approved by the Governor May 23, 1925.]

The people of the State of California do enact as follows:

SECTION 1. Section seven hundred thirty-seven *b*, of the Political Code, is hereby amended to read as follows:

Superior
Judges
of Imperial
county.

737*b*. The annual salaries of the judges of the superior court in the county of Imperial are five thousand dollars, one-half of which shall be paid by the state, and the other half thereof by the county for which the judges are elected or appointed.

CHAPTER 417.

An act to declare certain reclaimed land in the city of Vallejo to be free from certain trusts and restrictions imposed on such land when granted to such city.

[Approved by the Governor May 23, 1925.]

The people of the State of California do enact as follows:

Certain lands
granted to
Vallejo freed
from trusts
and restric-
tions.

SECTION 1. All of that land granted by the State of California to the city of Vallejo by the provisions of an act entitled "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, which is behind the permanent bulkhead constructed by the government of the United States and which has been filled and can no longer be used for navigation or fisheries, is hereby declared

to have ceased to be tide lands or submerged lands, and to be free from all trusts and restrictions imposed on such land under and by the provisions of the act entitled "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.

CHAPTER 418.

An act to amend section six hundred thirty-seven c of the Penal Code, relating to the protection of game.

[Approved by the Governor May 23, 1925.]

The people of the State of California do enact as follows:

SECTION 1. Section six hundred thirty-seven c of the Penal Code is hereby amended to read as follows:

637c. Every person who shoots or otherwise kills, destroys, wounds, maims, takes, captures or cripples, by seines, set-nets, nets, traps, nets or any other kind of fixed, permanent or loose trap or contrivance, any seal or sea lion in any of the waters of the Santa Barbara channel or on, near or about any lands adjacent thereto or in district nineteen, is guilty of a misdemeanor, and upon conviction thereof is punishable by a fine of not less than one hundred dollars or by imprisonment in the county jail for not less than sixty days, or by both such fine and imprisonment; *provided*, that the state fish commission may grant permission to any person whom it deems fit, to kill, trap, net, or capture alive, seals or sea lions for scientific or exhibition purposes, the number allowed to be killed or captured to be specified in said permit.

Seals and
sea lions in
Santa
Barbara
channel.

CHAPTER 419.

An act to provide for the acquisition of, including the laying out, opening, extending, widening, straightening, and acquiring in any manner, in whole or in part, and for the improvement of and work upon public highways, roads, streets, avenues, boulevards, lanes, alleys, courts, places, parks, pleasure grounds, commons, and all public ways and other property and rights of way of the public, including any property over which possession and right of use have been obtained under the provisions of section fourteen of article one of the constitution of the State of California, in whole or in part, whether lying entirely within unincorporated territory of a county or the territory of a municipi-

pality, or lying within such unincorporated territory and one or more municipalities, or lying within two or more municipalities, or forming the exterior boundary of any municipality where the same joins unincorporated territory of a county or the territory of another municipality, whether partly or wholly within or without said boundary, and the establishment and change of grade thereof; and providing for the payment of the costs and expenses of such acquisitions and such work and improvements, and the issuance and effect of bonds therefor and the payment of such bonds by special assessment taxes raised in assessment districts established for that purpose, and the enforcement of such bonds and taxes; and providing for aid from counties and municipalities in such acquisitions, work and improvements; and providing for the establishment and administration of revolving funds to assist in the carrying out of such acquisitions, work and improvements.

[Approved by the Governor May 23, 1925.]

The people of the State of California do enact as follows:

Public
ways may be
improved.

SECTION 1. All public ways, as that term is defined hereafter in this act, now open or dedicated, or which may hereafter be opened or dedicated, to public use, whether lying entirely within unincorporated territory of a county or the territory of a municipality, or lying within such unincorporated territory and one or more municipalities, or lying within two or more municipalities, or forming the exterior boundary of any municipality, where the same joins unincorporated territory of a county or the territory of another municipality, whether partly or wholly within or without said boundary, and all property for which an order to take immediate possession and use of a right of way thereover for a public use has been obtained from a court of competent jurisdiction in any action in eminent domain or proceeding for the acquisition of any public way, in compliance with the provisions of section fourteen of article I of the constitution of this state, shall be deemed and held to be open public ways for the purposes of this act, and the several legislative bodies hereinafter mentioned are hereby invested with jurisdiction and empowered to establish and change the grades and fix the width thereof, and to order to be performed thereon and on any publicly owned property or rights of way any of the work or improvements mentioned in this act, and to acquire any of such public ways, and property or rights of way required by the public interest or convenience, all under and in accordance with the procedure hereinafter provided.

Authority to
acquire and
to improve.

SEC. 2. Whenever the public interest or convenience may require, the legislative body of any county and the legislative body of any municipality are hereby severally authorized and empowered to order the acquisition, or improvement (as those terms are defined hereafter in this act), or both such acquisition and improvement, of any one or more of the pub-

lic ways or of property or of rights of way of the public over which they are herein invested with jurisdiction. Separate proceedings may be had and taken for such an acquisition or improvement or both such acquisition and improvement may be included within and consummated in a single proceeding. Where the latter procedure is followed, public ways already acquired, as well as the whole or a portion of those to be acquired under the proceeding, may be improved under the one proceeding. The acquisitions and improvements above provided for may comprehend and include the whole or any portion or portions, either in length or in width, of any one or more of such public ways, property and rights of way, whether the same are contiguous or otherwise and neither the various items of the improvement or improvements, nor of the acquisition or acquisitions, nor the improvement and acquisition as a whole, included in a proceeding need be contiguous or coterminous. In addition to the above authority, power and jurisdiction, there is hereby granted the following authority, power and jurisdiction: To issue and sell, or otherwise dispose of, bonds representing the costs and expenses of any such acquisitions and improvements, as in this act hereafter provided; to constitute a fund for the payment of such bonds as in this act hereafter provided and to levy and collect special assessment taxes upon districts as in this act hereafter provided; to establish such districts and determine their boundaries and to establish and fix the boundaries of zones therein, as in this act hereafter provided; to establish grades for the doing of any work or the making of any improvement authorized in this act, as in this act hereafter provided; to make transfers of money from county funds or funds of the municipality to such special funds as are in this act hereafter provided; to purchase material and furnish the same to be used in any of the improvements comprehended in this act, as in this act hereafter provided; to make direct contributions of money in part payment of the expenses of any one or more or all of the acquisitions and improvements comprehended in this act; to create and administer revolving funds to facilitate and assist in the carrying on and completing of such acquisitions and improvements, as in this act hereafter provided; and to do any and all things necessary or incidental to the accomplishment of the things which are permitted to be done under this act. The jurisdiction of the legislative body of a county shall extend over and it shall have said power and authority to acquire and improve public ways within the boundaries of such county, and also those forming the exterior boundary of any municipality or municipalities where the same join unincorporated territory of the county, and also public ways and publicly owned property lying within one or more municipalities, where, in the case of an acquisition, the proposed acquisition, in the judgment of said legislative body, is necessary or proper to complete, connect with, or render of greater use to the public any public way or ways

Jurisdiction
of county.

or public property in unincorporated territory of the county already acquired or to be acquired under the proceeding; and where, in the case of an improvement, the proposed improvement, in the judgment of said legislative body, is necessary or proper to complete, connect with, or render of greater use to the public any existing improvements in or on any public way or ways or public property in unincorporated territory of the county, or any improvements to be made under the proceeding; *provided*, that the consent of the legislative body or bodies of such municipality or municipalities, within the boundaries of which such public ways and property lie, shall first be obtained thereto and to the assessment of the property therein, which, in the opinion of the legislative body of the county, will be benefited thereby. Likewise, the jurisdiction of the legislative body of a municipality shall be extended over and it shall have said power and authority to acquire and improve public ways within the boundaries of such municipality, and also those forming its exterior boundaries where it joins unincorporated territory of the county or the territory of another municipality, and also public ways and public property lying within unincorporated territory of a county and of one or more other municipalities, where, in the case of an acquisition, the proposed acquisition, in the judgment of said legislative body, is necessary or proper to complete, connect with, or render of greater use to the public, any public way or ways or public property within the municipality for which said legislative body functions, whether already acquired or to be acquired under the proceeding; and where, in the case of an improvement, the proposed improvement, in the judgment of said legislative body, is necessary or proper to complete, connect with, or render of greater use to the public any existing improvements in or on any public way or ways or public property within said municipality, or any improvements to be made under the proceeding; *provided*, that the consent of the legislative body or bodies of the county and of such other municipality or municipalities within the boundaries of which such public ways and property lie, expressed by resolution, shall first be obtained thereto and to the assessment of the property therein, which, in the judgment of the legislative body of the municipality conducting the proceeding will be benefited thereby. The true intent and meaning of the above provisions for such acquisitions and improvements is that the necessary jurisdiction and power for the consummation thereof shall be vested in, and proceedings therefor may be had and taken by, the legislative body either of the county or of any municipality in which the public interest or convenience is affected thereby and that each of said legislative bodies shall have concurrent jurisdiction to initiate such proceedings; *provided*, that the legislative body initiating the proceeding and adopting the resolution of intention therefor, as hereinafter provided, shall thereafter have exclusive jurisdiction of the proceeding and

Jurisdiction
of city.

Concurrent
jurisdiction.

of all acquisitions and improvements comprehended therein, for the purposes of consummating the same.

SEC. 3. The legislative body initiating and conducting any proceeding under this act shall have power and authority, in addition to that elsewhere given, as follows, to wit:

(1) To appoint and employ, at any stage of the proceedings before calling for bids, any competent engineer, to be designated "engineer of work," for the purpose of doing and furnishing all the civil engineering work or services, surveying and all similar work and services necessary to the proper performance of the improvement. His compensation, or at least the rate thereof or some basis for computing the same, shall be fixed and stated in the order of his appointment, which said order shall be entered in the minutes of the legislative body; *provided, however*, that any county officer, if the proceeding is conducted by the legislative body of the county, and that any municipal officer, if the proceeding is conducted by the legislative body of a municipality, may be appointed such engineer of work without compensation.

Engineer of work.

(2) To appoint, in and as a part of the resolution of intention, any competent person, to be designated "superintendent of work," whose duty it shall be to perform the services prescribed or indicated for him in this act and to have the general actual supervision of the improvement constructed. His compensation shall be fixed at the time, and in the resolution of his appointment at a per diem for all time actually devoted to the work; *provided*, that any county officer, in case the legislative body of a county is conducting the proceeding, and any municipal officer or board, in case the legislative body of a municipality is conducting the proceeding, may be appointed as such superintendent without compensation.

Superintendent of work.

(3) To appoint and designate any competent person for the purpose of preparing and furnishing the specifications as set forth in section four of this act and to fix his compensation or some basis for computing the same, or to appoint and designate any officer of the county or officer of the municipality, as the case may be, for such purpose, without compensation.

Preparation of specifications.

(4) To appoint and employ, in and as a part of the resolution of intention or later in the proceeding, by an order to be entered upon its minutes, any competent attorney whose duty it shall be to perform the services in this act prescribed or indicated in connection with the proposed acquisition, whose compensation, or at least the rate thereof or some basis for computing the same, shall be fixed and stated in the order of his appointment; *provided, however*, that if no appointment or employment of an attorney is made as above provided then the services to be performed by the attorney as prescribed or indicated in this act shall be performed by the city attorney, in cases where the proceedings are initiated and conducted by the legislative body of a municipality, and in cases where such proceedings are initiated and conducted by the legislative body of a county, by the district attorney of the county, except that

Attorney.

in counties having freeholders' charters creating the office of county counsel they shall be performed by the county counsel.

Other
employees.

(5) To appoint and designate other competent persons in the places respectively of the persons so originally appointed, with compensation (so far as practicable) proportionately the same as fixed for the original appointees, and to appoint such additional persons as may be needed to accomplish the thing or things to be done under this act, and to fix their compensation, which shall be a charge against the district.

Liability
for expense.

No part of such or any compensation for said officers or employees so appointed or designated, or for services rendered by any of them, shall be a charge against the county or municipality or any officers thereof; *provided*, that the county, in proceedings conducted by its legislative body, and the municipality, in proceedings conducted by its legislative body, shall be liable for the expenses of the preparation and furnishing of specifications and of the posting and publication of all resolutions and notices required to be posted and published in the event that proceedings cease or are abandoned before the award of the contract, or before a final judgment is obtained, but such expenses, for which the county and municipality respectively are liable and which shall have been paid thereby, may be charged, as incidental expenses, against the district benefited in any new proceeding had or taken for an acquisition or improvement, or both, which shall include the same or approximately the same thing or things to be done as those included in the abandoned proceedings. Whenever any county or municipal officer is appointed and designated to any of the positions or duties hereinabove mentioned without compensation, the actual and necessary expenses incurred under his supervision, including the compensation of other persons, made necessary by the duties of such positions, shall be a charge against the county or municipality appointing and designating him, but shall be repaid to such county or municipality as incidental expenses of the proceeding.

Eligibility
for appoint-
ment.

No member of the legislative body of any county or municipality shall be eligible to appointment to any office, position or employment under this act, except as a county or municipal officer without pay.

Specifica-
tions.

SEC. 4. The legislative body desiring to initiate proceedings for the making of any acquisition or improvement, or both an acquisition and improvement, under the provisions of this act, may, by an order to be entered upon its minutes, designate some county officer, if the legislative body be that of a county, or some municipal officer, if it be that of a municipality, or some other competent person, in either case, and direct him to prepare and furnish specifications for the proposed acquisition or improvement, or both. The said specifications, in the case of an improvement, shall include all plans, profiles, cross-sections and specifications necessary therefor, together with a statement of the estimated cost of the improvement (inclu-

sive of incidental expenses and costs of the proceeding), a description of the district to be benefited by the proposed improvement and a map or plat showing the same and also the different zones within said district (if any are necessary because of varying benefits) containing the lands to be benefited in like measure but in a different measure from those in other zones therein, with a statement as to what percentage of the sum to be raised each year for the payments on the principal and interest of the bonds should be raised from each zone, and shall show the grades to which the contemplated improvements are to be constructed. In the case of an acquisition, the said specifications shall include descriptions of all property to be acquired, together with a map or plat showing the same, and a description of the district to be benefited by the proposed acquisition and a map or plat thereof, and the other matters relating to zones and percentages as above required in the case of improvements. In the event that the contemplated proceeding includes both an acquisition and improvement, all of the above requirements shall be included in the specifications; the district, zones and percentages set forth to comprehend both the contemplated acquisition and improvement. Said specifications shall be signed by the person designated and directed to prepare them and presented to the legislative body ordering them. Said legislative body shall examine the said specifications and may approve them or order modifications or changes to be made therein. When approved by the legislative body they shall be filed with the clerk of said body. At any time before the adoption of a resolution of intention the specifications may be corrected or modified by the order of said body.

Any error or informality in the appointment of any officer or other person to prepare specifications, or the omission of a formal order of appointment altogether, shall not invalidate or in any way affect the proceedings.

Sec. 5. Before ordering any acquisition or any improvement authorized by this act, the legislative body which is to conduct the proceeding shall adopt a resolution of intention so to do, referring to the public way, in the case of a public way already acquired, by its lawful or official name, or the name by which it is commonly known, and, in the case of a public way to be acquired under the proceeding, by the name by which such public way is to be called upon its acquisition (which name shall thereby be fixed and established), and when the acquisition or improvement is of property or a right of way owned or to be acquired by the public, then by briefly describing the said property or right of way. In the case of an acquisition, the resolution shall briefly set forth that a public way or property or right of way (naming or otherwise describing it) is to be acquired, and describe the property necessary or convenient to be taken therefor. It shall be determined in said resolution that the public interest and necessity require the acquisition therein set forth, and that

Resolution
of intention.

Resolution
of intention.

said property to be taken is necessary therefor. Said resolution, in the case of an acquisition, shall be adopted by a vote of two-thirds of the members of said legislative body. In the case of an improvement, said resolution shall determine that the public interest and necessity require the improvement set forth in the resolution and shall briefly describe the improvement, it being sufficient to state in general terms the class or kind of work contemplated (such as grading, paving, sewerage, or other work or improvement), and to give in general the location of the proposed improvement and refer to the plans, profiles, detail drawings and specifications therefor, or such of them as may be suitable or proper (which shall be approved by said legislative body and be on file in the office of the clerk thereof at the time of the adoption of said resolution), for a full and detailed description and location of said proposed improvement, and of the grades to which said improvement is to be constructed. Said resolution shall contain the following statement: "The notice of all persons affected is directed to the grades for the proposed improvement and to the provisions of the acquisition and improvement act of 1925 relating to grades," and in cases where the construction of the proposed improvement will result in a substantial change (considered with reference to existing physical conditions) with respect to the relation of the elevation of any abutting property to that of the public way as it will exist upon being improved to the proposed grade, there shall be included in said statement the following: "Particular notice is directed to the fact that substantial changes in the relation of the elevation of abutting property to that of said public way (or ways), as it (or they) will exist after being improved, will result from the construction of the above mentioned improvements to the proposed grades." If both an acquisition and improvement are contemplated in the same proceeding, one resolution of intention, containing the above requirements in the respective cases, shall be sufficient. Said resolution shall also contain a description of the district of the lands to be benefited by said proposed improvement or acquisition, or both, as the case may be, which shall be known thereafter and which will in this act hereafter be referred to as the "assessment district." Each proceeding under this act may, for convenience, be entitled, and such entitling shall be sufficient for all purposes: "In the matter of acquisition and improvement district No. _____ of the county (or city, as the case may be) of _____" (giving a different number to each district for which a proceeding is had) and a like designation of the district (omitting the words "in the matter of") shall be a sufficient designation of the district at all times and for all purposes. The said description of the assessment district may be in general terms, referring to a plat or map approved by the legislative body conducting the proceeding, which shall be on file in the office of the clerk of such legislative body at the time of the adoption of said resolution of

intention, and which shall indicate by a boundary line the extent of the territory to be included in the proposed assessment district, which said plat or map shall govern for all details as to the extent of said assessment district. Said resolution shall also contain a statement that, for the expenses of the things therein proposed to be done, bonds will be issued to the total amount of the same, excepting the amount, if any, to be contributed thereto by the county or municipality in money or by the furnishing of materials therefor, said bonds to bear interest at the rate of ----- (not to exceed eight) ---- per cent per annum, payable semiannually, and the aggregate principal of all bonds issued under the proceeding to be paid and discharged within ----- (not to exceed thirty) --- years after the date of issuance, approximately one----- (not less than one-thirtieth) ----- part of such aggregate principal to be payable annually, all in gold coin, and that a special fund for the payment of said bonds will be constituted by the levy of special assessment taxes upon the lands within the assessment district, in accordance with the provisions of this act, according to the assessed value of said lands, exclusive of the improvements thereon, except as otherwise in this act provided. If the legislative body so determine, it shall include in said resolution a statement that the first payment on the aggregate principal of the bonds issued will be made ----- (not to exceed five) ----- years after the issuance thereof.

The lands upon which said special assessment taxes shall be levied shall be all those lying within the assessment district, including any lands which are the operative property of any public utility; *provided*, said lands shall not include any lands belonging to the United States government or the State of California, but they shall include all lands belonging to any county, municipality, district, public agency, mandatory of the government, school board, educational, penal or reformatory institution, or institution for the feeble-minded or insane, included within the assessment district, whether being in use in the performance of any public function or otherwise; *provided, however*, that the legislative body conducting the proceeding may, in the resolution of intention, declare that any land or lands, describing the same, belonging to any county, municipality, district, public agency, mandatory of the government, school board, educational, penal or reformatory institution, or institution for the feeble-minded or insane, lying within the assessment district, or any of them, shall be omitted from the said district and from the levy and collection of the special assessment taxes thereafter to be levied and collected to cover the expenses of the acquisition or improvement, or both, as the case may be, and in the event that said lands or any of them shall by said resolution be so omitted then the total expenses of the things done in the proceeding shall be met by the levying and collection of such special assessment taxes upon and from the remaining lands within the assess-

Lands to be assessed.

ment district, without regard to such omitted lands. In order that any such lands may be so omitted, however, it must be determined and set forth in the resolution of intention that such lands are in use in the performance of a public function.

Zones.

If, in the judgment of the legislative body conducting the proceeding, varying benefits to be derived by the different parcels of land lying within the assessment district so require, the said district may be divided into zones according to benefits. Said district may be divided into as many zones—up to the total number of parcels of land in the district—as may be deemed necessary, and each zone shall be composed of and include all the lands within the district which will be benefited in like measure. Said legislative body shall also determine the percentage of the sum to be raised each year by the levy and collection of said special assessment taxes in said district for the payments on the principal and interest of the bonds, which will be raised from the lands in each zone. When the district is divided into such zones the resolution of intention shall so state, giving said percentages to be raised from the lands in each zone. Each zone shall be designated by a different letter or number and shall be plainly shown upon the map or plat of the assessment district filed in the office of the clerk of said legislative body and referred to in the resolution of intention, either by separate boundaries, coloring, or other convenient and graphic method, so that all persons interested may with accuracy ascertain within which zone any parcel of land is located. It shall be sufficient in all cases where the assessment district is to be divided into such zones according to benefits if the resolution of intention states that fact and refers to said plat or map for the boundaries and all details concerning the said zones.

Hearing of objections.

Said resolution shall contain a notice of a day, hour and place (to be fixed therein) when and where any and all persons having any objections to the proposed acquisition or improvement, or both (if both be included in the proceeding,) to the proposed grades to which the improvement (if any,) is to be constructed, to the extent of the assessment district, to the zones (if any,) into which said district is to be divided, or to the percentages to be raised from each of said zones, or to any or all of the foregoing, may appear before the legislative body conducting the proceeding and be heard. Said time shall not be less than fifteen nor more than sixty days from the date of the adoption of said resolution. The clerk of said legislative body shall cause said resolution of intention to be published by at least two insertions.

Grades.

SEC. 6. The grades to which any work shall be done or improvement made under proceedings had in pursuance of this act shall be those shown upon the plans, profiles and detailed drawings (or such of them as may be suitable or proper) referred to in the resolution of intention. In the case of the improvement of public ways, property or rights of way, to be acquired and improved under the same proceeding, the legis-

lative body conducting the proceeding shall have jurisdiction and power to and shall determine and establish the grades to which the improvements are to be constructed, and the adoption of the resolution of intention shall be deemed to be such a determination and establishment of the grades therein referred to, subject to any changes which may be made upon the hearing of any objections thereto. In the case of the improvement of public ways, property or rights of ways already acquired, said legislative body shall likewise have jurisdiction and power to and shall determine and establish the grades to which the improvements are to be constructed, and the adoption of the resolution of intention shall be deemed to be such a determination and establishment of the grades therein referred to, subject to any changes which may be made upon said hearing. In the latter case the grades so determined and established for such purpose may be either the grades, or any of them, which have previously been officially or otherwise established or adopted, or they may be grades different, modified or changed from those previously so established or adopted. In all events the statement contained in the resolution of intention directing notice to the grades, as heretofore provided, shall constitute sufficient notice thereof to any person affected. Any property owner whose property is included within the assessment district for the proposed improvement and any other person whose rights are affected may, at the time fixed in the resolution of intention for the hearing of objections, appear before the legislative body conducting the proceedings and present written objections to the grade or grades to which any or all of the improvements are proposed to be constructed. A failure to make such written objection at such time shall be deemed to be a waiver of all objections to the grade or grades to which the improvement is proposed to be constructed, whether such grade or grades be different, modified or changed from those previously established or adopted, or not, and shall operate as a bar to any claim for damages, and any action looking to the prevention of the work or improvement, the avoiding of paying therefor, or recovery of damages on account of the construction of the work or improvement or grades. The provisions of this section relative to grades are alternative and shall not repeal the provisions of any other statute relative to change of grade, but shall govern and control for all purposes and for all improvements made in proceedings conducted under this act.

Objections
to grades.

SEC. 7. The legislative body of the county or municipality conducting the proceedings may determine that any part of the expenses of the acquisition or improvement, or both, as the case may be, shall be paid out of the treasury of the county or municipality, as the case may be, and such payment, or any part of the same, may be made from the general fund of such county or municipality or from any other fund available to such county or municipality and from which expenditures

Contribution
toward ex-
penses.

Purchase of
supplies.

may be made for acquisitions or improvements of like character as those which may be made under this act. Said legislative body conducting the proceedings may also purchase all or any part of the materials to be used in constructing any of the improvements included in the contract therefor made under this act and furnish the same therefor, said purchase to be made from any of the funds above mentioned. If such county or municipality has a purchasing agent, said materials shall be purchased by him; otherwise said materials shall be purchased by the legislative body by contracts let to the lowest responsible bidder after notice calling for bids has been published by at least two insertions in a newspaper, or by any other method prescribed by law for the purchase of materials by a county or municipality. If the county or municipality is to furnish materials or make payment toward said expenses, the resolution of intention shall so provide and shall state the fund from which such materials are to be purchased or payments made. When such provision is made, the execution of the contract for the improvement (in the case of an improvement), and the obtaining of an interlocutory judgment (in the case of an acquisition), shall create a liability on the part of the county or municipality, as the case may be, to furnish the materials or make the payments provided for in the resolution of intention. In the event that the acquisition or improvement, or both such acquisition and improvement, under the proceeding includes any acquisition or improvement, or both, within the territory of a county or any municipality or municipalities for which the legislative body conducting the proceeding does not function, the legislative body of such county or municipality may determine that any part of the expense of the acquisition or improvement, or both, in the proceeding shall be paid out of its treasury, or materials therefor furnished, as above provided, from any of its funds above mentioned. Such determination shall be expressed by resolution of such legislative body which shall be transmitted to the legislative body conducting the proceeding and thereupon a liability of such county or municipality to furnish such portion of such expenses and materials, or expenses or materials, provided for shall be created as above provided. The resolution of intention shall set forth the fact that such portion of the expenses and materials, or expenses or materials, are to be paid and furnished, or paid or furnished, by such county, municipality or municipalities, or any combination or all thereof, as the case may be.

Notice of
intention to
acquire or
improve.

SEC. 8. After the adoption of the resolution of intention the superintendent of work shall cause to be conspicuously posted along the line of said contemplated work or improvement, if an improvement is contemplated, and along the line of the property to be acquired, if an acquisition is contemplated, at not more than three hundred feet in distance apart but not less than three in all, notices of the adoption of said

resolution; *provided, however*, that the failure to post any or all of said notices shall in no event affect the validity of the proceedings or the jurisdiction and power of the legislative body to order the acquisition or improvement, or both. Said notices shall be entitled "Notice of public improvement" in letters of not less than one inch in length; and shall, in legible characters, state the fact of the adoption of the resolution of intention, its date, and briefly and in general terms, the improvement or acquisition, or both, as the case may be, proposed, and refer to the resolution of intention for further particulars. The said notices need not contain a description of the assessment district described in the resolution of intention but may refer to said resolution therefor. Said notices shall contain also a statement of the day, hour and place when and where any and all persons having any objections to the proposed improvement or acquisition, or both, as the case may be, or to the grade or grades to which the improvement is proposed to be constructed, or to the extent of the assessment district, or to the zones, if any, into which such district is divided, or to the percentages to be raised from each of such zones, or to any or all of the foregoing, may appear before the legislative body and be heard.

If deemed advisable and the legislative body so orders, said notices may consist of printed copies of the resolution of intention, entitled as above provided, and the same shall be sufficient for all purposes of said notice.

The legislative body may, if it deems it advisable, direct the clerk thereof to mail copies of said notices to the owners or reputed owners whose names and addresses are known to him, but the mailing of such notices shall not be essential to obtaining jurisdiction by the legislative body and the failure so to do shall not affect in any manner the validity of any proceedings taken hereunder. The failure of the legislative body to so direct said clerk shall presume a finding by said body that said mailing is not advisable or necessary.

Sec. 9. At any time not later than the hour set for hearing objections as provided in the preceding section, any owner of land within the boundaries of the assessment district as set forth in said resolution may, severally, or with other such owners, file with the clerk of the legislative body conducting the proceedings written objection to the thing or things proposed to be done, whether it be an improvement or acquisition, or both, or to the grade or grades to which the improvement is proposed to be constructed, or to the extent of the assessment district, or to the zones, if any, into which the said district is divided, or to the percentages proposed to be raised from each of said zones, or to any or all of the foregoing. Upon such hearing all objections and protests to the doing of the thing or things proposed to be done shall be heard and considered. If upon said hearing it appears that the owners of more than one-half of the area of the property included within the entire assessment district, as proposed, have in writing made objection

Filing and
hearing of
objections.

to the doing of the thing or things proposed to be done, i.e. the improvement or acquisition, or both, as the case may be, in their entirety, and to the ordering of the same, the legislative body shall, by a resolution to be entered upon its minutes, so find and thereupon such legislative body shall have no power to proceed further under said resolution of intention nor to adopt any resolution for doing the same thing or things during a period of six months next succeeding the time of such finding, unless the said objections be overruled by an affirmative vote of four-fifths of the members of such legislative body. In order that such objections operate as a bar, as aforesaid, in the absence of such a four-fifths vote, they must specifically state that the objections are to the doing of the thing or things proposed in their entirety and not merely to some item, class, kind or part of the thing or things proposed to be done. If the fact be that the owners of more than one-half of the area of the property included within the entire district as proposed have not so in writing made objection going to the ordering of the thing or things proposed to be done, as an entirety, the legislative body shall so find, and may thereupon proceed with the hearing, but such finding need not be in writing and may, for the purpose of proceeding with the hearing, be a mere announcement of the body. Next shall be heard, in any order desired by such body, such objections as shall be made to the extent of the district and to the zones, if any, into which said district is divided and to the percentages to be raised therefrom as set forth in the resolution of intention, and objections to the grade or grades to which the improvement is proposed to be constructed.

The hearing may be continued from time to time by the legislative body by an order to be entered upon its minutes.

By whom
and how
filed.

Owners of land within the meaning of this section are those, and those only, who appear to be such upon the records in the recorder's office of the county in which the district is situated on the day before the day set for said hearing, and an executor or administrator shall be deemed representative of his decedent, and a trustee of an express trust in land, other than as security for the payment of money, of the land held in such trust, and a trustee in bankruptcy of the bankrupt, and a guardian of his ward. The objection of any owner may be made by the signature of his agent; *provided*, that there must be attached to the objection the affidavit of the agent that he is duly authorized to sign said objection. Every written objection must contain a description of the property in which each signer thereof is interested, sufficient to identify it, and must set forth the nature of his interest therein and, if signed by more than one objector, must be accompanied by the affidavit of one of the signers thereto that each signature thereof is the genuine signature of the person whose name is thereto subscribed. Any written objection not complying with the foregoing requirements shall not be considered by the legislative body in determining whether objection has been made to the doing of the

thing or things proposed to be done, as an entirety, by the owners of more than one-half of the area of the property included within the assessment district.

Sec. 10. Unless the power to proceed shall have ceased, as hereinbefore provided, the legislative body shall in conclusion of the aforementioned hearing and as a determination of all questions arising thereat, by resolution to be entered upon its minutes, declare its finding that the owners of more than one-half of the area of the property included in the assessment district have not made written objection going to the entirety of the thing or things proposed to be done, or if such objection has been made, that such objections are overruled by an affirmative vote of four-fifths of the members of the legislative body. Said legislative body may at the conclusion of the hearing thereon and in said resolution determine the extent and boundaries of the assessment district and may exclude from the district described in the resolution of intention any parcels of land which it may find will not be benefited by the doing of the thing or things proposed to be done. It may also change or modify the zones, if any, into which said district is divided, so that each zone shall be composed of the lands within said district which will be benefited in like measure; and it may also change the percentage of the amount to be raised in each such zone, so that such zoning and the raising of the special assessment taxes therefrom shall best, in its judgment, reflect the benefits to be derived by the parcels of land included therein. If no changes be made in the boundaries of the assessment district, as the same are set forth in the resolution of intention, or no changes are made in the zones or the percentages to be raised therefrom as set forth in said resolution, it shall be sufficient to state that the boundaries of the district, the zones and the percentages to be raised therefrom, are those set forth in the resolution of intention; but if any changes be made in the boundaries of the assessment district, the boundaries as finally determined shall be fully set forth in said resolution, and the plat or map of the assessment district on file in the office of the clerk of said legislative body and referred to in the resolution of intention shall be made to show said boundaries as finally determined, and if any changes be made in the zones referred to in the resolution of intention, the description of the boundaries of said zones, as finally determined, shall be fully set forth, and said plat or map on file in the office of the clerk of the legislative body shall be changed to show the boundaries of said zones as finally determined, and, if any changes be made in the percentages to be raised from the several zones, the resolution shall so state, giving the percentage to be raised from each zone, as finally determined. The boundaries of the district, as the same are set forth in the resolution of intention, shall not be so changed as to include within the district any territory not within its boundaries as set forth in said resolution.

Declaration
of findings.

Change of
grades.

Said legislative body may also change or modify the grades as set forth in the plans and specifications and referred to in the resolution of intention. If no change or modification be made as to the grades, as the same are set forth in the plans and specifications and referred to in the resolution of intention, it shall be sufficient to state in the resolution adopted at the conclusion of said hearing, that the grades, as finally determined, are those set forth in such plans and specifications, but if any changes are made in the grades, as set forth in the plans and specifications and referred to in the resolution of intention, such changes shall be set forth in said resolution adopted at the conclusion of said hearing.

Four-fifths
vote.

If any changes or modifications be made in the boundaries of the assessment district, the zones, the percentages to be raised from the several zones, the grades, or any or all of the foregoing, such changes or modifications shall be made by a four-fifths vote of the legislative body.

Boundaries,
etc., to be
final.

The boundaries of the assessment district, the location and extent of the zones, if any, and the percentages to be raised therefrom, so determined, shall then be established and prevail for all purposes of the proceeding and until any bonds to be issued for the expenses of the thing or things to be done shall have been fully paid and discharged, and the grades so determined shall be the grades for all the purposes of the proceeding and the improvement to be done thereunder. The findings and determination of said legislative body upon the matters of the extent and boundaries of the assessment district, the zones, if any, into which said district is divided, the percentage of the expenses to be raised from each of said zones, the grades to which the improvement is to be constructed, and the necessity for the acquisition, or improvement, or both, comprehended by the proceeding, shall be final and conclusive.

Order for
acquisition
or im-
provement.

SEC. 11. Having thus taken action upon all objections and protests to the doing of the thing or things proposed to be done and having determined the boundaries of the district and of the zones, if any, and the percentages to be raised therefrom, and the grades for the improvement, the legislative body shall have jurisdiction and may, by resolution, order the thing or things proposed to be done in the resolution of intention to be done. The resolution ordering the doing of the thing or things proposed to be done may be the same in which all of the final determinations above mentioned are made, or it may be a separate resolution, in which latter case it shall refer to the resolution making said final determination. Neither said resolution ordering the doing of the thing or things proposed to be done nor any resolutions, notices, orders or determinations thereafter made or given in the proceeding need contain a description of the work or improvement to be done or the property to be acquired, and it shall be sufficient in any of the foregoing to refer therein to the resolution of intention for a description of the work or improvement to be

done, or the property to be acquired, or both, as the case may be, and, if the boundaries of the district, the zones, percentages and grades set forth in the resolution of intention have not been changed, it shall be sufficient in any of the foregoing to refer therein to the description of the same set forth in the resolution of intention, but if said boundaries, said zones, said percentages, and said grades or any or all of the same have been changed then it shall be sufficient to refer to the resolution changing and determining the same for a description thereof and all details relative thereto. If said resolution ordering the doing of the thing or things proposed to be done includes the acquisition of property, the legislative body shall therein direct an action to be brought by the attorney, in the proper superior court, in the name of the county or of the municipality for which the legislative body conducting the proceedings functions, as the case may be, for the condemnation of the property necessary or convenient to be taken therefor. If said resolution orders work or improvement to be done, the legislative body shall therein fix a time for receiving bids for doing said work or improvement and direct the clerk thereof to give notice accordingly, inviting sealed bids.

Condemnation
proceedings.

Time for
receiving
bids.

SEC. 12. Such notice inviting bids shall include a statement that the work or improvement is to be done under the provisions of this act, and according to the plans and specifications on file therefor, except in so far as the grades specified therein shall have been fixed otherwise by the legislative body in conclusion of the hearing heretofore provided; to which said act, to the resolution of intention and all proceedings had hereunder, the attention of the bidders shall be directed, and they shall by reference be made a part of said notice. Said notice inviting sealed bids shall, by the clerk of said legislative body, be published by at least two insertions and, not necessarily simultaneously, a copy of the same shall be posted and kept posted for five days at or near the chamber door of said legislative body. The time fixed for receiving said bids shall be not less than ten days from the time of the first publication of said notice. All bids offered shall be accompanied by a check payable to the county or municipality, as the case may be, certified by a responsible bank, for an amount not less than ten per cent of the aggregate of the bid, or by a bond for said amount and so payable, signed by the bidder and either one duly authorized corporate surety, acceptable to said legislative body, or two sureties qualifying each in double the amount of the bond over and above all statutory exemptions, before an officer competent to administer oaths. Said bids shall be delivered to the clerk of said legislative body and said legislative body shall, in open session, publicly open, examine and declare the same, and no bids shall be considered unless accompanied by said check or such a bond satisfactory to said legislative body. Said legislative body may reject any and all bids should it deem this for the public good, and also the bid of any bidder who has been delinquent or unfaithful in any

Procedure
preliminary
to letting
contracts.

former contract with said county or municipality, as the case may be, and shall reject all bids other than the lowest regular bid of any responsible bidder, and may award the contract for said work or improvement to the lowest responsible bidder at the prices named in his bid. If all bids are rejected or no bids are received the legislative body may thereafter readvertise for bids as in the first instance, without further proceedings, and as many times thereafter as it deems necessary until a satisfactory bid has been received, and thereafter proceed in the manner in this section above provided and shall thereupon return to the proper parties their respective checks and bonds covering the bids so rejected. The check or bond accompanying the accepted bid shall be kept by the clerk of said legislative body until the contract for doing said work or improvement, as hereinafter provided, has been entered into. If said bidder fails, neglects or refuses to enter into the contract to perform said work or improvement, as hereinafter provided, then the certified check accompanying his bid and the amount therein mentioned shall be declared forfeited to said county or municipality, as the case may be, and may be collected by it and paid into its general fund, and any bond forfeited may be prosecuted, and the amount due thereon collected and paid into said fund.

Forfeiture of
check or
bond.

Notice of
award of
contract.

SEC. 13. Notice of such award of contract shall be published by the clerk of said legislative body by two insertions and posted for five days in the same manner as hereinbefore provided with respect to the publication and posting of the notice inviting bids.

Default of
bidder.

SEC. 14. If the bidder to whom the contract was awarded fails, neglects or refuses, for twenty days after the first publication of the notice of award, to enter into the contract, then said legislative body, without further proceedings, shall direct its clerk to give a new notice inviting sealed bids and thereupon said legislative body shall proceed as in the first instance, and as in the case of default of the first awardee, so also in the event of subsequent defaults, and any delay occasioned thereby shall in no way affect the validity of the proceedings or any assessments levied thereunder. The bids of all bidders who have failed to enter into the contract as herein provided may for that reason be rejected in any bidding subsequent to the first for the same work.

Bidder to
advance cost
of notices,
etc.

SEC. 15. Before being entitled to a contract, the bidder to whom the award thereof has been made must advance and pay to the superintendent of work, for payment by him, the costs and expenses of publishing and posting the notices, resolutions, orders and matters required under the proceedings prescribed in this act and of such other notices as may be deemed requisite by the legislative body.

Objections
to faulty
proceedings.

SEC. 16. At any time within ten days from the date of the first publication of the notice of award of the contract any owner of, or other person having any interest in any parcel of land within the boundaries of the assessment district, who

claims that any of the previous acts or proceedings relating to the work or improvement are irregular, defective, erroneous, faulty, or invalid, for any reason, may file with the clerk of the legislative body a written notice specifying in what respect said acts and proceedings are irregular, defective, erroneous, faulty, or invalid. Said notice shall state that it is made in pursuance of this section. All objections to any acts or proceedings relating to the improvement prior to the time within which such objections are permitted by this section to be filed, not made in writing and in the manner and at the time aforesaid, shall be waived. It is the intent of this section that any person failing to file such notice within the time specified shall be deemed to have intentionally waived every objection to the regularity or validity of such acts or proceedings and he shall be estopped from thereafter raising the same.

SEC. 17. The superintendent of work is hereby authorized, in his capacity as such superintendent of work, to execute the contract with the awardee of the same, and to receive and approve all bonds by this act required on the part of such awardee. He shall, by the terms of said contract, fix the time for the commencement of the work or improvement, which shall not be more than twenty days from the date thereof, and for the completion of said work or improvement under all contracts entered into by him, and the contract shall provide that the work shall be prosecuted with diligence until completed. The time of completion fixed in the contract may be extended from time to time by said superintendent of work, under the direction of the legislative body expressed by resolution, a copy of which shall be certified by the clerk of said legislative body and attached to the contract. Such extension of time may be granted by the legislative body at any time before the expiration of three months after the time originally fixed for completion in the contract or by the last previous extension of time, and the extension so granted shall be deemed to commence and be effective from the date of such expiration. Any such extension of time shall not release any surety or sureties upon any bond required under this act.

Duties of
superintendent
of
work.

Said contract shall provide that the work or improvement to be done shall be under the direction and to the satisfaction of said superintendent of work, and that the materials used shall comply with the specifications and be to the satisfaction of said superintendent of work, and shall undertake on behalf of the county or municipality, as the case may be, that, upon the performance and completion of the contract on the part of the contractor, and under the provisions of the "Acquisition and improvement act of 1925" all steps will be taken, in and by said act authorized to be taken, to effect the issuing by the treasurer of the bonds in said act authorized to be issued, and to provide a fund for the payment of the same, as in and by said act prescribed. Said contract shall also contain an express notice that in no case, except where it is otherwise provided by law, or the charter of the county or

Provisions
of contract.

municipality whose legislative body is conducting the proceedings, as the case may be, shall the county or municipality, as the case may be, or any officer thereof, be liable for any portion of the expense or be holden under said contract in any way except for the discharge of official duty under the law, nor shall said county or municipality as the case may be, be liable for any materials or sums of money except those which the resolution of intention shall provide will be furnished or paid.

Lack of
diligence in
prosecution
of work.

Sec. 18. If, after the execution of the contract, the contractor shall fail to begin the work in good faith within the time provided in said contract, or shall fail at any time thereafter to prosecute said work diligently according to the terms of the contract, the superintendent of work shall make a report to the legislative body setting forth wherein the contractor is in default. Thereupon the legislative body shall cause written notice to be mailed to said contractor at his last known address that at a time, to be set in the notice and which must be not less than five days after the mailing of the notice, said body will hold a hearing to determine whether or not the contract shall be declared forfeited.

At the time set in said notice, or at any time to which the matter may be continued, the legislative body shall determine whether or not the contractor is in default either in respect to beginning said work or in respect to its diligent prosecution. If said body determines that the contractor is in default it may declare the contract forfeited. In such event it shall either again call for bids and award the contract as provided heretofore for awarding the contract in the first instance, or it may declare the county or municipality, as the case may be, the successor of the contractor.

If bids are again called for and a new contract entered into at a price greater than that in the contract declared forfeited, suit shall be brought on the bond of the original contractor for an amount equal to the excess of the second contract over the first, plus the incidental expenses incurred in entering into the new contract. The sum recovered shall be placed in the interest and sinking fund of the district.

If the county or municipality be declared the successor of the contractor, the work shall be completed under the direction of the legislative body at the expense of the county or municipality, as the case may be, either by contract or in any other manner determined upon by its said legislative body. When the work or improvement is completed the declaration of completion in this act provided to be executed and filed by the contractor and superintendent of work shall be executed and filed by the superintendent of work alone and thereafter the proceedings required for a hearing thereof and upon the question of issuing bonds for the expenses of the improvement shall be had, following the provisions elsewhere contained in this act controlling said matters. When the bonds have been issued they shall be sold by the legislative body and the proceeds applied to reimburse the county or municipality, as the

case may be, for all expenditures it has made in the premises, the balance remaining to be paid to the original contractor. Should the proceeds realized from the bonds so issued and sold be insufficient to reimburse the county or municipality, as the case may be, in full for its expenditures in completing the contract, including all incidental expenditures, suit shall be brought on the bond of the contractor for an amount sufficient to so reimburse said county or municipality.

SEC. 19. The legislative body may, by resolution or ordinance, prescribe general rules directing the superintendent of work or the contractor as to the materials to be used and the mode of executing the work, under all contracts thereafter made.

Materials and execution of work.

SEC. 20. All contractors shall, at the time of executing any contract hereunder, execute a bond to the satisfaction and approval of the superintendent of work, running to the county or municipality, as the case may be, in an amount not less than twenty-five per cent of the amount of the contract, conditioned for the faithful performance of the contract, and said bond shall be signed by two or more sureties who shall aggregately qualify before an officer competent to administer oaths in double the amount mentioned in the bond over and above all statutory exemptions, or by one duly authorized and acceptable corporate surety.

Bond to guarantee performance of contract.

SEC. 21. Every contractor to whom is awarded any contract hereunder shall, before executing said contract, furnish and file with the superintendent of work a good and sufficient bond acceptable to and approved by said superintendent of work, in a sum not less than one-half of the total amount payable by the terms of said contract; such bond shall be executed by the principal and by two or more sureties who shall aggregately qualify before an officer competent to administer oaths in double the amount mentioned in the bond, over and above all statutory exemptions, or by one duly authorized and acceptable corporate surety, and shall be made to inure to the benefit of any and all persons, companies, or corporations who perform labor on or furnish materials to be used in the work or improvement to be done under the contract, and shall provide that if the contractor to whom said contract was awarded fails to pay for any materials so furnished for the said work or improvement or for any work or labor done thereon of any kind, the sureties will pay the same, to an amount not exceeding the sum specified in said bond. Any laborer, materialman, person, company or corporation furnishing materials to be used in the performance of said work or improvement or who performed work or labor thereon, whose claim has not been paid by the said contractor or his assigns, shall severally have a first lien upon and against the bonds to be issued to cover the expenses of said work or improvement, and likewise against any new bonds therefor directed to be issued by order of the legislative body or upon a decree of court. Such laborer, materialman, person, company or corporation may at

Bond for labor and materials.

Lien of laborer or materialman.

any time prior to the issuance of said bonds or said new bonds file with the treasurer of the county or municipality whose legislative body conducted the proceedings, as the case may be, a verified statement of the fact that he or it has furnished such labor or material and has not been paid therefor, stating the nature and amount of such labor or material and the amount due therefor, and claiming said amount, and, if he or they so elect, demanding the withholding of bonds in an amount sufficient to satisfy said claim. The said treasurer shall, upon such a demand being made, withhold from the contractor, or anyone claiming under him as assignee or otherwise, sufficient of said bonds to satisfy said claim and all costs which can reasonably be anticipated. If the claimant filing such statement shall, within ninety days after the date of issuance of the bonds for the expenses of said work and improvement, commence an action to enforce his lien aforesaid, then the said treasurer shall withhold and keep the bonds so withheld, subject to the final judgment in said action; but if such action is not so filed the bonds so withheld shall be delivered to the contractor or his assignee. Such claimant, if he so elects, and if he has not received said bonds, may, as an alternative, at any time within six months after the filing of such statement and claim bring an action upon the bond of the surety or sureties in his own name, or if he has assigned his claim, the action may be brought in the name of the assignee, for the recovery of the amount due on said claim. Said amount, both in the case of an action to enforce the lien upon said bonds withheld and in the case of an action upon the bond of the surety, may include the costs incurred in said action, together with a reasonable attorney's fee to be fixed by the court for the prosecution thereof.

Undertaking
to pay
claims, etc.

If the contractor or his assigns shall so desire, upon the filing of any claim or claims as aforesaid by any laborer or materialman, he or they may furnish and file an undertaking in an amount to be fixed by the said treasurer (but which amount shall not be less than the aggregate of the claim or claims plus not less than fifteen per cent of said amount to cover court costs and attorneys' fees), which said undertaking shall be executed by said contractor or his assigns and by two or more sureties who shall aggregately qualify before an officer competent to administer oaths in double the amount mentioned therein, over and above all statutory exemptions, or by one duly authorized and acceptable corporate surety, which said undertaking shall be to the satisfaction of said treasurer and shall provide that the said contractor or his assigns and the surety or sureties thereon will pay the amount, if any, which may be due on said claim or claims, with interest, court costs and attorneys' fees; whereupon said first lien upon and against said bonds or new bonds shall be discharged and said claimant shall thereupon look to said undertaking for recovery.

Declaration
of completion
and state-
ment of
amounts due,
etc.

SEC. 22. As soon as may be done in good faith, there shall be filed with the clerk of the legislative body conducting the proceeding a declaration that the work has been completed

according to the contract therefor, together with an itemized statement of the incidental expenses of the improvement and of the proceedings, inclusive of the estimated cost of publishing the notice of final hearing in this section provided for and of issuing the bonds to be issued for the improvement made. The aggregate of such items shall be stated and also the amount due under the contract and the amount or amounts to be paid the contractor by the county or municipality or municipalities from their funds, if any such amount or amounts were so provided for in the resolution of intention. The total sum for which bonds of the district are claimed by the contractor shall also clearly appear. The said declaration and statement shall be signed and verified by the superintendent of work and by the contractor, or some person cognizant of the facts signing on behalf of the contractor and stating why he, instead of the contractor, so signs and verifies. Either signer may except from his signature and verification any amount and items to which he does not assent. The legislative body conducting the proceeding is hereby authorized to and shall thereupon fix a day, hour and place and direct the clerk thereof to give notice of a hearing for the purpose of determining whether or not the work and improvement shall be accepted as being completed according to the contract, and for determining the aggregate amount for which bonds shall be issued to the contractor, or his assignees, therefor, and of furnishing an opportunity to all persons interested in any of the work or improvement done under the proceeding or in any matter affecting said improvement and the assessment district therefor, and feeling aggrieved by any act or determination done or made in the said proceeding or claiming that any of the previous acts or proceedings are irregular, defective, erroneous or faulty, or claiming that the work or improvement has not been performed according to the contract in a good and substantial manner, or claiming that any portion of the work or improvement for any reason was omitted or illegally included in the contract for the same, or having any objections to offer or any reason to advance why bonds should not be issued in the amount set forth in the declaration and statement on file, to appear before the legislative body and by it be heard upon any of the above mentioned matters. The time fixed for said hearing shall be not sooner than ten days from the date upon which it is fixed. Such hearing shall be known as the final hearing upon the improvement. The notice of such hearing may, in form, and shall, in substance (filling all blanks as appropriate), be as follows:

Provision
for final
hearing.

Notice of
final
hearing.

NOTICE OF FINAL HEARING UPON THE IMPROVEMENT IN THE MATTER OF ACQUISITION AND IMPROVEMENT DISTRICT NO. ___ OF THE COUNTY (OR CITY) OF _____.

Notice is hereby given that the final hearing in the matter of the improvement made in the above named district will be had at the hour of ___ m. on the _____ day of _____ 19____, at the chambers of the _____ (designating

the legislative body) of the county (or city) of _____ (naming the county or municipality), State of California, under the provisions of section twenty-two of the "Acquisition and improvement act of 1925," for the purpose of determining whether or not the work and improvement shall be accepted as being completed according to the contract, and for determining the aggregate amount for which bonds shall be issued to the contractor, or his assigns, therefor, and of furnishing an opportunity to all persons interested in any of the work or improvement done under the proceeding or in any matter affecting said improvement and the assessment district therefor, and feeling aggrieved by any act or determination done or made in the said proceeding or claiming that any of the previous acts or proceedings are irregular, defective, erroneous or faulty, or claiming that the work or improvement has not been performed according to the contract in a good and substantial manner, or claiming that any portion of the work or improvement for any reason was omitted or illegally included in the contract for the same, or having any objections to offer or any reason to advance why bonds should not be issued in the amount set forth in the declaration and statement on file, to appear before said legislative body and by it be heard upon any of the above mentioned matters.

The total amount for which said bonds are proposed to be issued is the sum of _____ dollars; said bonds to bear interest at the rate of _____ per cent per annum, payable semiannually (stating the rate set forth in the resolution of intention), and the aggregate principal of said bonds to be paid and discharged within _____ years after the date of issuance (stating the period named in said resolution), approximately one _____ part (stating the part named in said resolution) of such aggregate principal to be payable annually, all in gold coin. A special fund for the payment of said bonds will be constituted by the levy of special assessment taxes upon the lands within said district as provided in the resolution of intention and in the above mentioned act.

The attention of all persons interested is hereby directed to the provisions of said act and to the proceedings in the above named matter and district, and particularly to the above mentioned declaration and statement, on file in the office of the clerk of the _____ (designating the legislative body) of the county (or city) of _____ (naming the county or municipality).

Clerk of said-----.

(Designating said legislative body.)

Publication
of notice.

Said notice shall be signed by the clerk of the legislative body conducting the proceedings and shall be published by at least two insertions, and a copy or copies thereof posted and kept posted for at least two days on or near the chamber door of said legislative body. The date of the first publication and that of such posting (they need not be simultaneous)

shall not be less than ten days before the date in said notice specified for said hearing.

Sec. 23. At the time set for said hearing any owner of property within the district, the contractor, or his assigns, and any other person or persons interested in the matter, may appear and be heard upon any of the matters referred to in the last preceding section. Protests or objections may be presented either in writing or orally and the hearing of the said matters may be continued from time to time upon the order of the legislative body. Evidence may be adduced going to any of the matters to be determined and in such order as the legislative body may summarily direct.

Final hearing.

If, when the matters have been fully heard, whether under or in the absence of any objections claiming that the work or improvement has not been performed according to the contract in a good and substantial manner, the legislative body is of the opinion that said work or improvement has not been so completed, it shall in writing specify what must be done in order to complete the work, and shall, by an order or resolution to be entered in its minutes, continue the further hearing of the whole matter to a specified date, expressly stating that such continuance is for the purpose of enabling the contractor to complete the contract.

Continuance of hearing.

On said continued hearing the objections presented upon the first hearing shall continue in force, and evidence shall be received, if offered, as to what has been done in the way of completing the contract in the particulars specified in the order of the legislative body on the said continuance of the hearing. If, upon said continued hearing, it is the opinion of the legislative body that the work is still uncompleted in the particulars as to which it has been ordered to be completed, it shall be discretionary with said legislative body to order or refuse a second continuance of the hearing. If the legislative body do order such second continuance, it shall be ordered in the same manner and with like effect as provided aforesaid upon the first continuance. And as provided aforesaid for a second continuance, so with any other or further continuance.

Continued hearings.

All other objections shall pend and be heard on said day, or at any continued hearing had as in this section aforesaid provided. Every continuance of said hearing for the purpose of enabling the contractor to complete his contract or the work or improvement shall continue or revive such powers of the legislative body had under the provisions of this act in the proceedings at the time of the filing of the declaration that the work was completed, as provided aforesaid, and shall also operate to extend the time for the completion of said contract in such manner that its completion within the time to which the hearing is continued shall be as valid a performance of said contract as if completed at the time of filing such declaration or statement. All objections to any of the matters to which objection may be made at said hearing not made and presented before said legislative body at the time of said hearing or at any time to which the same may be continued shall be waived.

Extension of time for completion, etc.

Acceptance
of work.

SEC. 24. Whenever upon the hearing provided in the two preceding sections, whether at the first or at any continued hearing, it shall be the opinion of the legislative body that the work has been completed and performed according to the contract in a good and substantial manner, said legislative body shall by resolution to be entered upon its minutes so declare and that the work is accepted and shall in said resolution state the amount of the contract price for the doing of said work or improvement and the amount of the incidental expenses of the improvement and of the proceedings therefor, which are to be charged against and to be paid by the contractor, and the amount or amounts, if any, to be paid the contractor by the county and/or municipality or municipalities, and the aggregate amount for which bonds are to be issued to the contractor, or his assigns, as hereinafter provided. The legislative body may remedy and correct any error or informality in the proceedings and revise and correct any act or determination relative thereto or to the work or improvement performed thereunder. All the decisions and determinations of the legislative body, upon notice and hearing as aforesaid, shall be final and conclusive upon all persons entitled to be heard under the provisions of the two last preceding sections and as to all matters determined upon said hearing and as to all errors, informalities, irregularities and omissions or defects which said legislative body may have avoided or have remedied during the progress of the proceedings or which it can at that time remedy, and no bonds thereafter issued or special assessment taxes thereafter levied for the payment of the bonds to be issued for said work or improvement and the expenses thereof shall be held invalid by any court for any error, informality, irregularity, omission or other defect in the proceedings, where the resolution of intention has been actually published, as in this act provided, before the said legislative body shall have ordered the work or improvement to be performed.

Immediately after the adoption of said order accepting the work the amount or amounts which were agreed to be paid to the contractor by the county or municipality shall be paid to said contractor, less the amount of any incidental expenses chargeable to and not paid by the contractor. Any amount so deducted shall be credited to the fund against which any such incidental expenses were charged.

Issuance
of bonds.

SEC. 25. Upon the expiration of twenty days from the making of the final order provided for in the last preceding section, the clerk of the legislative body shall transmit to the treasurer an attested copy of said final order, and upon receipt of the same the treasurer shall proceed to issue bonds amounting in the aggregate to the principal sum for which bonds are to be issued, as the same is stated in said final order. Said bonds, when issued, shall be dated as of the date when said final order of the legislative body was made. The bonds shall be issued in the form and manner in this act provided and shall

be delivered by the said treasurer to said contractor, or to his order, assignee or lawful representative, except as in this act otherwise provided in the case of bonds withheld to satisfy claims. The bonds shall not be delivered to the contractor, however, until he shall have paid to the treasurer all incidental expenses relative to the proceedings for the improvement which have not been formerly paid, as required in section fifteen.

SEC. 26. If the resolution ordering the thing or things proposed to be done in the proceeding included the acquisition of property and directed an action to be brought for the condemnation thereof, the attorney shall proceed to bring said action, which action shall be commenced within a period not exceeding one hundred and eighty days from the date of the adoption of said resolution directing the bringing of the same. Said action shall in all respects be subject to and governed by such provisions of the Code of Civil Procedure now existing or that may be hereafter adopted as may be applicable thereto, except in the particulars otherwise provided for in this act.

Condemnation proceedings.

In the event that an action has theretofore been brought by the attorney in the name of the county or municipality whose legislative body is conducting the proceeding, as the case may be, for the condemnation of the property necessary or convenient to be taken in such acquisition, under authority of law and prior to the adoption of the resolution ordering the acquisition to be made, as provided in this act, then and in that event, the resolution ordering the acquisition may refer to said action and direct the attorney to continue the prosecution of the same, and said action shall then have like effect and be in lieu of and serve all the purposes of the action herein referred to, in so far as the property to be acquired is included in said former action, and shall thereafter be carried on in the same manner and subject to the provisions hereinafter stated; *provided*, that the complaint in said action shall set forth or state the effect of the resolution of intention in such proceeding but need not set forth nor state the effect of the resolution ordering the acquisition. In the event that the complaint in said action shall for any reason omit to state the effect of the resolution of intention in said proceeding, said complaint may be amended as of course to set forth said matters at any time before trial and shall thereupon satisfy the requirement as to reference to the resolution of intention.

SEC. 27. The complaint shall set forth, or state the effect of, the resolution of intention, and the resolution ordering the acquisition (except as provided in the preceding section), or so much of said resolutions as affect the acquisition contemplated (if both acquisition and improvement are comprehended in the proceeding), but need not set up any other proceedings had or taken before the bringing of the action. Said resolutions shall be conclusive evidence, in such action, of the public necessity of the proposed acquisition and the improvement thereby effected, and that the property sought to be condemned

Evidence of public necessity.

is necessary therefor, and also that the same is located in the manner which will be most compatible with the greatest public good and the least private injury.

Possession
upon giving
of security.

SEC. 28. If the legislative body conducting the proceeding shall by resolution determine that the public necessity and convenience require, the plaintiff in the action ordered by said body, or the plaintiff in any action theretofore brought for the condemnation of property necessary or convenient to be taken in the acquisition contemplated, may, at any time after the filing of such complaint or complaints, take immediate possession and use of all or any portion of the property sought to be condemned therein, by giving such security in the way of money deposits as the court in which the proceedings are pending may direct, and in such amount or amounts as the court may determine to be reasonably adequate to secure to the owner of the property sought to be taken immediate payment of just compensation for such taking and any damage incident thereto, as soon as the same can be ascertained according to law. Upon obtaining an order of the court giving such immediate possession and use, the contractor for any improvement contemplated in the proceeding, whose contract includes work or improvement upon any or all of the property covered by such order of court for immediate possession and use, shall have the right to enter upon and construct thereon the improvements included in the contract.

Advance-
ment of
moners.

The county or the city, as the case may be, shall have power to and may advance such amount or amounts as are required by the court to be deposited to obtain such immediate possession and use, and reimburse the treasury from the sale of bonds thereafter issued under the proceeding. Such amount or amounts may be so advanced from either the general fund or from any fund available for the purchase or acquisition of public ways or property. Said deposits required by the court may also be made from the revolving fund or funds created and administered as in this act provided.

Issuance
of bonds.

In addition to the foregoing methods for obtaining the amount or amounts necessary for such deposits required by the court in order that immediate possession and use may be had, bonds of the district may be issued and sold therefor, as hereinafter provided. The attorney shall report to the legislative body the amount or amounts required for such purpose and thereupon said body may fix a day, hour and place for a hearing upon the issuance of bonds against the lands in the assessment district for the purpose of obtaining the amount or amounts required by the court in order that immediate possession and use of the public ways, or property or rights of way, or any part thereof, sought to be acquired under the proceedings may be had, and for the purpose of furnishing an opportunity to all persons owning land within the assessment district, or otherwise interested, and feeling aggrieved by any act or determination done or made in the said pro-

ceeding or claiming that any of the previous acts, determinations or proceedings are irregular, defective, erroneous or faulty, or having any objections to offer or any reason to advance why bonds should not be issued in the amount set forth in said notice for the purpose therein set forth, to appear before the legislative body and be heard upon any of the above mentioned matters. The amount or amounts required for said purpose and for which bonds are proposed to be issued shall be stated in the notice. The time fixed for said hearing shall be not sooner than ten days from the date upon which it is fixed. Said hearing shall be known as the hearing upon issuance of bonds to obtain immediate possession. The notice of such hearing may, in form, and shall, in substance (filling all blanks as appropriate) be as follows:

Notice of hearing upon issuance of bonds.

NOTICE OF HEARING UPON ISSUANCE OF BONDS TO OBTAIN IMMEDIATE POSSESSION.

In the matter of acquisition and improvement district No.--- of the county (or city) of -----

Notice is hereby given that, in the matter of the acquisition of public ways to be made in the above named district, a hearing will be had at the hour of ----- m. on the ----- day of -----, 19---, at the chambers of the ----- (designating the legislative body) of the county (or city) of ----- (naming the county or municipality), State of California, under the provisions of section twenty-eight of the "Acquisition and improvement act of 1925," for the purpose of determining whether or not bonds of the said district shall be issued and sold in the sum of ----- dollars, to obtain the amount (or amounts) required by the court in order that immediate possession and use of the public ways ----- (or property, or rights of way--as the case may be) sought to be acquired under the proceedings for the above named district, and of furnishing an opportunity to all persons owning lands within said district, or otherwise interested, and feeling aggrieved by any act or determination done or had in the proceedings for said district, or claiming that any of the previous acts, determinations or proceedings are irregular, defective, erroneous or faulty, or having any objections to offer or any reason to advance why said bonds should not be issued and sold in said amount and for said purpose, to appear before said legislative body and be heard upon any of the above mentioned matters.

Said bonds will bear interest at the rate of ----- per cent per annum, payable semiannually (stating the rate set forth in the resolution of intention), and the aggregate principal of said bonds will be paid and discharged within ----- years after the date of issuance (stating the period named in said resolution), approximately one ----- part (the part named in said resolution) of said aggregate principal to be payable annually, all in gold coin. A special fund for the payment of said bonds will be constituted by the levy of special assess-

ment taxes upon the lands within said district as provided in the resolution of intention and in the above mentioned act.

The attention of all persons interested is hereby directed to the provisions of said act and to the proceedings in the above named matter and district on file in the office of the clerk of the ----- (designating the legislative body) of the county (or city) of ----- (naming the county or municipality).

Clerk of said -----.

(Designating said legislative body.)

Said notice shall be signed by the clerk of the legislative body conducting the proceedings and shall be published by at least two insertions and a copy or copies thereof posted and kept posted for at least two days on or near the chamber door of said legislative body. The date of the first publication and that of said posting (they need not be simultaneous) shall be not less than ten days before the date in said notice specified for said hearing.

Hearing.

At the time set for said hearing, or at any time to which the same shall be continued, any person owning land within the assessment district, or otherwise interested, may appear and be heard upon any of the matters referred to in said notice. Protests or objections may be presented either in writing or orally. Evidence may be received, if offered, going to any of said matters.

Correction of errors, etc.

Said legislative body may remedy and correct any error, defect, irregularity or informality in the proceedings and revise and correct any act or determination relative thereto. All the decisions and determinations of the legislative body upon notice and hearing as aforesaid shall be final and conclusive upon all persons entitled to be heard under the provisions of this section and as to all matters determined upon said hearing and as to all errors, informalities, irregularities, omissions and defects which said legislative body might have avoided or have remedied during the progress of the proceedings or which it can remedy at said time, and no bonds thereafter issued or special assessment taxes levied thereafter for the payment of the bonds shall be held invalid by any court for any error, informality, irregularity, omission or other defect in the proceedings, where the resolution of intention has been actually published as in this act provided before the legislative body shall have ordered the acquisition to be made. All objections to any of the matters to which objection may be made at said hearing not made and presented before said legislative body at the time of said hearing or at the time to which the same may be continued shall be waived and may not thereafter be urged.

Order for insurance of bonds.

If the legislative body decides that said bonds shall be issued it shall so order and its order and its determination of all of the above matters shall be final and conclusive. Thereupon the clerk of said legislative body shall transmit

to the treasurer an attested copy of said order which shall state the aggregate of the principal sum for which such bonds are to be issued, and thereupon bonds shall be issued in said amount and in the form and manner provided in this act for the issuance of bonds under proceedings had under this act. Said bonds, when issued, shall be dated as of the date when said order of the legislative body was made.

Upon the issuance of said bonds they shall be sold to the highest cash bidder, after advertisement for bids, which advertisement shall be published by at least two insertions; *provided, however*, that said bonds shall not be sold for less than par. If any bonds be sold for an amount in excess of par such excess shall be applied to the interest and sinking fund for the retirement of the bonds issued in the proceeding. The proceeds of the sale of said bonds shall be paid to the treasurer and shall be deposited, as the court shall direct, as security for the obtaining of immediate possession and use of the property sought to be condemned in the action, or shall be used to reimburse the treasury for the amount or amounts advanced and deposited by the county, or city, to obtain such immediate possession and use.

Sale
of bonds.

SEC. 29. 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 those 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 said defendants so waiving trial by jury, or by the court without a jury. Such referees must be residents of the county in which the action is commenced 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.

Motion for
trial.

Appointment
of referees.

SEC. 30. 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 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

Powers
and duties
of referees.

exceed one hundred and twenty days; *and provided, further*, that if any vacancy in the referees is created and filled as heretofore provided in this act, or if new referees are appointed, or if a new report from the same referees is ordered, as hereafter provided, 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 the new report from the same referees, and said time may be extended accordingly, as above provided. Any two of such referees who agree thereto may make such report.

Determina-
tion of
damages.

SEC. 31. For the purpose of assessing the compensation and damages, the right thereto shall be deemed to have accrued at the date of the issuance of summons, and its actual value at that time 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 act; *provided*, that in any case in which the issue is not tried within one year after the date of the issuance of summons, unless the delay is caused by the defendants, the compensation and damages shall be deemed to have accrued at the date of trial, and its actual value at that time shall be the measure of compensation.

If an order of the court be made letting plaintiff into immediate possession and the plaintiff shall take immediate possession upon commencing eminent domain proceedings and thereupon giving such security in the amount of money deposited as the court may determine to be reasonable to secure compensation to the owner, as provided in section fourteen of article one of the constitution of this state, then the compensation and damages awarded shall draw interest at the rate of seven per cent per annum from the date of such order.

No improvements placed upon the property proposed to be taken subsequent to the date of the publication of the resolution of intention in the proceeding shall be included in the assessment of compensation or damages.

Findings.

The referees, or the court, or the jury, as the case may be, shall find separately:

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;

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 the severance therefrom of 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.

Hearing
of referees'
report.

SEC. 32. Upon the filing of the referees' report, the court may, upon motion of any party, appoint a date 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 other parties except those 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 not later 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 owing or having any interest in any property included within the assessment district described in the resolution of intention or the assessment district as finally determined at the conclusion of the hearing upon the resolution of intention if the boundaries were thereupon changed as provided heretofore in this act, by causing said notice last mentioned to be published by five insertions in a daily newspaper published and circulated in the county; and, if there be no such daily newspaper, then by two insertions in a newspaper published less often than daily and circulated in the county. Any publication of such notice shall commence at least ten days before the time appointed for the hearing of said report. Said notice shall require all persons owning or having any interest in any property included within said assessment district 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 need not contain a description of said assessment district but may refer therefor to the resolution of intention, or to the resolution finally establishing the boundaries of said district after the hearing thereon heretofore provided, giving the date of the adoption of said resolution and the place where the same is on file. At any time not later than one day prior to the hearing, any person, not a party to the action, owning or having any interest in any property included within said assessment district may intervene in the action and file his objections in writing to said report, specifying the ground upon which such exceptions are based; and any 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 may order a new report from the same referees or from new referees to be appointed. If new referees are appointed, the same proceedings and the same qualifications shall apply and 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 Trial of
action. 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 any interest in any property included within said assessment district. Said notice shall be published in the same manner and for the same time as the notice theretofore in this section required to be given by said clerk, and shall require all persons owning or having any interest in any property included within said assessment district 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 not later than one day prior to the trial any person not a party to the action, having any 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.

Postpone-
ments and
continuances.

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 day, no further notice need be given by the clerk of the hearing or trial upon any such postponement or continuance.

Judgment.

SEC. 33. Upon the confirmation of the report of the referees, or receipt of the verdict of the jury, or 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, together with their necessary expenses.

Appeals.

SEC. 34. An appeal may be taken from such interlocutory judgment within thirty days from the entry thereof, and from any order granting or denying a new trial within ten days from the entry thereof.

Abandonment
of proceed-
ings.

SEC. 35. The legislative body of the plaintiff may, at any time prior to the payment of the compensation awarded the defendants, abandon the proceedings, by resolution, and cause the said action to be dismissed, without prejudice; *provided, however,* that in cases where immediate possession and use of the property to be condemned, or a portion thereof, has been taken, as provided in this act, the proceedings for the acquisition can not be abandoned, nor the said action dismissed, unless and until the county or municipality whose legislative body is conducting the proceeding, and which is plaintiff in the action,

shall first compensate the owners of property over which such possession and use has been taken for all damages occasioned thereby, and such county or municipality shall be liable for such damages.

If proceedings be abandoned or the action be dismissed no attorneys' fees shall be awarded the defendants or any of them.

Sec. 36. Upon the entry of the interlocutory judgment the legislative body conducting the proceeding shall fix a day, hour and place for a hearing upon the issuance of bonds against the lands in the assessment district for the purpose of obtaining the amount or amounts set forth in said interlocutory judgment, all costs and expenses chargeable to the plaintiff in said action, and all incidental expenses incurred in the proceeding. If the proceeding includes the making of an improvement in addition to an acquisition and the incidental expenses of the proceedings or a portion thereof have been advanced by the contractor for the improvement and have been or are to be included in the bonds issued to him upon the completion of his contract then said incidental expenses so paid or to be paid shall be omitted. Said hearing shall also be for the purpose of furnishing an opportunity to all persons owning land within the assessment district, or otherwise interested, and feeling aggrieved by any act or determination done or made in the said proceeding or claiming that any of the previous acts or determinations or proceedings are irregular, defective, erroneous or faulty or having any objections to offer or any reason to advance why bonds should not be issued in the amount set forth in said notice for the purpose therein set forth, to appear before the legislative body and be heard upon any of the above mentioned matters. The amount or amounts required for said purposes and for which bonds are proposed to be issued shall be stated in the notice. Prior to the fixing of the time for said hearing, the attorney shall furnish a report to said legislative body showing the amount or amounts necessary for the payment of said interlocutory judgment and all costs and expenses chargeable to the plaintiff in the action and the amount of the incidental expenses of the proceedings (except incidental expenses for which bonds have been or are to be issued to the contractor for the improvement, if any, in the proceeding), which shall be ascertained from the clerk of the legislative body and be included in the total amount for which bonds are proposed to be issued, which total amount shall be stated in the notice. In determining the amount for which said bonds are to be issued, there shall be deducted the amount (if any) to be paid by the county or municipality, or both, toward the expenses of the acquisition, as provided in the resolution of intention, and there shall also be deducted the amount (if any) theretofore raised by the issuance and sale of bonds to obtain immediate possession and use of the property to be acquired and deposited, as directed by the court, as security therefor.

Procedure
incidental
to issuance
of bonds.

If any amount has been so raised and deposited, it shall be applied, in the manner directed by the court, toward the payment of the amounts to be paid as set forth in the interlocutory judgment, and shall, pro tanto, reduce the amount required to be raised by the issuance and sale of bonds under this section. Should it happen that the amount so raised and deposited is in excess of the amounts required by the interlocutory judgment to be paid and the said amount of the incidental expenses of the proceedings, then no bonds shall be issued as in this section provided, and such excess, after all incidental expenses of the proceedings have been paid, shall be applied to the interest and sinking fund for the payment of the bonds, then outstanding, which were issued and sold to defray the expenses of the acquisition. The time fixed for said hearing shall not be sooner than ten days from the date upon which it is fixed. Said hearing shall be known as the "Hearing upon the issuance of bonds for an acquisition." The notice of such hearing may, in form, and shall, in substance, (filling all blanks as appropriate) be as follows:

Notice of
hearing.

NOTICE OF HEARING UPON ISSUANCE OF
BONDS FOR AN ACQUISITION.

*In the matter of acquisition and improvement district
No. _____ of the county (or city) of _____.*

Notice is hereby given that, in the matter of the acquisition of public ways to be made in the above named district, a hearing will be had at the hour of ___ m. on the _____ day of _____, 19____, at the chambers of the ____ (designating the legislative body) _____ of the county (or city) of _____ (naming the county or municipality) _____, State of California, under the provisions of section thirty-six of the "Acquisition and improvement act of 1925," for the purpose of determining whether or not bonds of the said district shall be issued and sold in the sum of _____ dollars, to obtain the amount required to pay the interlocutory judgment in the action brought to condemn the property sought to be taken, all costs and expenses chargeable to the plaintiff in said action and all incidental expenses incurred in the proceeding for the above named district, and of furnishing an opportunity to all persons owning lands within said district, or otherwise interested, and feeling aggrieved by any act or determination done or had in the proceedings for said district, or claiming that any of the previous acts, determinations or proceedings are irregular, defective, erroneous or faulty, or having any objections to offer or any reason to advance why said bonds should not be issued and sold in said amount and for said purposes, to appear before said legislative body and be heard upon any of the above mentioned matters.

Said bonds will bear interest at the rate of _____ per cent per annum, payable semiannually (stating the rate set forth in the resolution of intention), and the aggregate principal of said bonds will be paid and discharged within _____ years after the date of issuance (stating the period named in

said resolution), approximately one----- part (the part named in said resolution) of said aggregate principal to be payable annually, all in gold coin. A special fund for the payment of said bonds will be constituted by the levy of special assessment taxes upon the lands within said district as provided in the resolution of intention and in the above mentioned act.

The attention of all persons interested is hereby directed to the provisions of said act and to the proceedings in the above named matter and district on file in the office of the clerk of the ---- (designating the legislative body) ---- of the county (or city) of ---- (naming the county or municipality).

Clerk of said ---- (designating said legislative body).

Said notice shall be signed by the clerk of the legislative body conducting the proceedings and shall be published by at least two insertions, and a copy or copies thereof posted and kept posted for at least two days on or near the chamber door of said legislative body. The date of the first publication and that of said posting (they need not be simultaneous) shall be not less than ten days before the date in said notice specified for said hearing.

At the time set for said hearing, or at any time to which Hearing. the same may be continued, any person owning land within the assessment district, or otherwise interested, may appear and be heard upon any of the matters referred to in said notice. Protests or objections may be presented either in writing or orally. Evidence may be received, if offered, going to any of said matters.

Said legislative body may remedy and correct any error, defect, irregularity or informality in the proceedings and revise and correct any act or determination relative thereto. All the decisions and determinations of the legislative body upon notice and hearing as aforesaid shall be final and conclusive upon all persons entitled to be heard under the provisions of the above section and as to all matters determined upon said hearing and as to all errors, informalities, irregularities, omissions and defects which said legislative body might have avoided or have remedied during the progress of the proceedings or which it can remedy at said time and no bonds thereafter issued or special assessment taxes levied thereafter for the payment of the bonds shall be held invalid by any court for any error, informality, irregularity, omission or other defect in the proceedings, where the resolution of intention has been actually published as in this act provided before the legislative body shall have ordered the acquisition to be made. All objections to any of the matters to which objection may be made at said hearing not made and presented before said legislative body at the time of said hearing or at the time to which the same may be continued shall be waived and may not thereafter be urged.

Order for
issuance
of bonds.

If the legislative body decides that said bonds shall be issued it shall so order and its order and its determination of all of the above matters shall be final and conclusive. Thereupon the clerk of said legislative body shall transmit to the treasurer an attested copy of said order which shall state the aggregate of the principal sum for which such bonds are to be issued, and thereupon bonds shall be issued in said amount and in the form and manner provided in this act for the issuance of bonds under proceedings had under this act. Said bonds, when issued, shall be dated as of the date when said order of the legislative body was made.

Sale of
bonds.

Upon the issuance of said bonds they shall be sold to the highest cash bidder, after advertisement for bids, which advertisement shall be published by at least two insertions; *provided, however*, that said bonds shall not be sold for less than par. If any bonds be sold for an amount in excess of par such excess shall be applied to the interest and sinking fund for the retirement of the bonds issued in the proceeding. The proceeds of the sale of said bonds shall be paid to the treasurer who shall place the same in a special fund, designating such fund by the name of the district against which the bonds were issued and as the fund to defray the expenses of the acquisition. The legislative body shall on or before the time of the sale of such bonds and the deposit of the moneys derived therefrom in said fund cause to be transferred from the general or such other fund as was named in the resolution of intention from which a portion of the total expense was to be paid by the county or municipality, as the case may be, to the said special fund said amount so provided to be paid.

Satisfaction
of judgment
condemning
lands.

SEC. 37. As soon as there is sufficient money in the hands of the treasurer, in the special fund to defray the expenses of the acquisition (together with the amount, if any, received from the issuance and sale of bonds to obtain immediate possession and use and deposited for that purpose), to pay the amounts including costs awarded to the defendants by the interlocutory judgment in the action in condemnation, the said amounts including costs shall be paid to the parties entitled thereto, or into court for their benefit. Upon satisfactory proof being made to the court of payment of the amounts awarded by the interlocutory judgment or judgments to the respective parties entitled thereto, including costs awarded, or into court for their benefit, it shall direct the interlocutory judgment to be satisfied and shall make and enter a final judgment condemning the lands described in the complaint to the use of the plaintiff, for the uses specified in such complaint.

Liquidation
of deficiency.

SEC. 38. If, for any reason, there shall be a deficiency in the funds derived from the issuance of bonds, as heretofore provided, for any improvement or acquisition, or both, comprehended under a proceeding had and taken under this act, including all incidental expenses thereof, the legislative body

which conducted the proceeding may meet such deficiency by an appropriation out of the general fund of the county or municipality, as the case may be, or by ordering a supplemental issue of bonds of the district and the sale of such bonds, all in like manner and form and subject to like procedure and after like notice as that heretofore in this act prescribed for the issuing of bonds to defray the expenses of an acquisition or improvement. In the event such a supplemental issue of bonds is made, said legislative body may advance the deficiency required to be met from the general fund of the county or municipality, as the case may be, and thereafter reimburse said fund from the proceeds of such supplemental issue.

Sec. 39. The bonds issued under and in pursuance of this act for either any acquisition or improvement, or both such acquisition and improvement, may in form and shall in substance (using designations and filling blanks as appropriate under the proceeding) be as indicated following, to wit:

Form of
bonds.

ACQUISITION AND IMPROVEMENT DISTRICT BOND.

Acquisition and improvement district No.----- of the county (or city) of -----, State of California.
 \$----- Bond No.-----
 Series-----

Under and by virtue of an act of the legislature of the State of California, known as the "Acquisition and improvement act of 1925," the county (or city) of -----, State of California, will pay to the bearer, out of the fund hereinafter designated, at the office of the treasurer of said county (or city), on the ----- day of -----, 19___, the sum of ----- dollars in gold coin of the United States of America, with interest thereon in like gold coin at the rate of ----- per cent per annum, payable semiannually on the second day of January and the second day of July in each year from the date hereof (except the last installment thereof which shall be payable at the maturity of this bond) upon presentation and surrender, as they respectively become due, of the proper interest coupons hereto attached, the first of which is for interest from the date hereof to the next date of interest payment and the last for interest to maturity hereof from the last preceding date of interest payment.

This bond is issued under and in conformity with the provisions of the above mentioned "Acquisition and improvement act of 1925" and is one of ----- (here use the words "a series of," if bonds are to be issued under the proceeding for either an acquisition or improvement only, and the words "several series of," if bonds are to be issued for both an acquisition and improvement) ----- bonds issued to represent the expenses of certain ----- (here use the words "acquisitions of property by the public," if bonds are to be issued for an acquisition only, and the words "public improvement," if bonds are to be issued for an improvement only, and the

words "acquisitions of property by the public and public improvements," if bonds are to be issued for both an acquisition and improvement in the same proceeding) ----- authorized by the provisions of said act and comprehended in the proceedings had for the above named district. It is hereby certified, recited and declared that all proceedings, acts and things required by law precedent to or in the issuance of this bond have been regularly had, done and performed, and this bond is by law made conclusive evidence thereof.

This bond is payable out of the "Acquisition and improvement district No.----- of the county (or city) of ----- interest and sinking fund" exclusively, as the said fund appears upon the books of the treasurer of said county (or city) and neither said county (or city) nor any officer thereof shall be holden for its payment otherwise; but in accordance with the provisions of said act a special assessment tax will be levied and collected upon the lands in said district in an amount clearly sufficient to pay the principal and interest of said bonds as the same shall become payable.

In witness whereof the ----- (here designate the legislative body) ----- of the said county (or city) has caused this bond to be signed by the treasurer of said county (or city) and the seal of ----- (here use the words "the board of supervisors of said county" or the words "said city," as the case may be) ----- to be hereto affixed this ----- day of -----, 19--.

[SEAL]

Treasurer of the county (or city) of -----, State of California.

Designation of series.

The designation of the district by its name and number set forth at the top of the bond shall be sufficient to identify and distinguish each and all of the bonds thereof from any other issue. In the event that the proceeding comprehends an improvement only, all the bonds issued thereunder may be designated as of one series, as for example, "Series A." In the event it comprehends an acquisition, and bonds are issued to raise funds necessary to obtain an order of immediate possession and use of the property to be acquired before trial, as in this act provided, the bonds issued for that purpose shall be designated by a separate series from those issued thereafter, if any, to defray the remaining expenses of the acquisition, as for example, "Series A" for the bonds issued to raise such funds, and "Series B" for the bonds issued for the remaining expenses of the acquisition. In the event the proceeding comprehends both an acquisition and an improvement, the bonds issued for the expenses of the improvement and those issued for the expenses of the acquisition shall be designated by separate series, as for example, those issued to raise funds to obtain such an order of possession as "Series A," those issued for the improvement as "Series B," and those issued for the remaining expenses of the acquisition as "Series C,"

according to the order, in point of time, in which the respective issues are made.

All bonds issued under this act shall be signed by the treasurer of the county or municipality whose legislative body conducts the proceeding and shall have the seal of the board of supervisors of the county or the seal of the city, as the case may be, thereto affixed, and when so signed shall be binding according to the terms thereof as prescribed in the above form therefor. The interest coupons attached to said bonds shall be in such form as the said treasurer shall determine, subject to the provisions of this act and the determination made by the legislative body, and the signature of said interest coupons by said treasurer, by either written or engraved or printed facsimile signature shall be sufficient.

Signature.

Seal.

Coupons.

Maturity of bonds.

SEC. 40. The principal and interest of the bonds issued under this act shall be payable in gold coin of the United States of America at the office of the treasurer issuing the same. The legislative body is hereby vested with power to determine and shall in the resolution of intention determine the number of years, not to exceed thirty, after the issuance of any bonds issued, within which the aggregate principal of all the bonds to be issued in any proceeding under this act shall be paid and discharged, and to fix the rate of interest, not to exceed eight per cent per annum, payable semi-annually, to be paid thereon, and it shall be a sufficient determination and fixing of the same to set forth in the resolution of intention that bonds will be issued for the expense of the things to be done in any language that will fairly indicate such time and such rate and the fractional part of the principal to be paid each year. It may be provided in said resolution that the first payment shall become due either one, two, three, four or five years after the date of said bonds. The number of installments of payments on the principal shall be indicated in said resolution of intention. The amount of the principal due in each annual payment need not be exactly the same, but with respect to each installment excepting the last may be made to differ not more than one hundred dollars from the amount obtained by dividing the total of the principal amount due under the bonds by the number of installments. Each installment except the last shall be an even multiple of one hundred. The last installment shall be for the balance of the total principal amount not provided to be paid in the previous installments.

The interest payments on said bonds shall be payable semi-annually on the second day of January and the second day of July of each year, except the last installment thereof which shall be payable at the maturity of the bonds, in the manner indicated in the form of bonds in this act set forth. It shall not be necessary, either in the resolution of intention or otherwise, to set forth or determine the days of the month on which payments of interest are to be made, nor that payments shall be made in gold coin, nor that payments shall be made at such treasurer's office, but all persons are charged with notice of

Interest payments.

the contents of this section, especially in the aforesaid particulars.

Levy and
collection of
special tax
to pay
bonds and
interest.

SEC. 41. For each district in which bonds have been issued under the provisions of this act a special fund to be named "Acquisition and improvement district No.----- of the county (or city) of ----- interest and sinking fund" (the number to be that of the district) for the discharge and payment of such bonds, whether issued for an acquisition or improvement, or both, and interest thereon, shall be constituted by the county or municipality (as the case may be) whose legislative body has conducted the proceedings, as follows, to wit: There shall each year, at the time of the general tax levy for state and county taxes, or at the time of levying taxes to be collected for general municipal purposes, as the case may be, be levied against and upon all the lands within said district (including any land which is the operative property of any public utility, and including any lands belonging to any county, municipality, district, public agency, mandatory of the government, school board, educational, penal or reformatory institution or institution for the feeble minded or insane, whether being used in the performance of a public function or not, unless declaration was made in the resolution of intention omitting any of said lands from the assessment to be made; but not including any lands belonging to the United States government or to the State of California) according to the assessed valuation of said lands, exclusive of any improvements thereon, a special assessment tax in an amount clearly sufficient, together with any moneys which are or may be in said fund, to pay all the principal which has become or will become due and all interest which has become or will become payable on the bonds issued under the proceeding before the proceeds of another tax levy made at the time of the general tax levy for state and county purposes, or at the time of another levy of taxes to be collected for general municipal purposes (as the case may be), can be made available for the payment of said principal and interest. If the said district has been divided into zones and the percentage of the expenses to be raised from each such zone has been determined, as provided in this act, in that event the said amount of said special assessment tax to be levied shall be divided according to said percentages and the percentage to be raised from the lands in each zone shall be levied against and upon the lands therein as above provided. Such special assessment taxes shall be in addition to all other taxes levied for state and county purposes, or for municipal purposes (as the case may be), and shall be levied, computed, entered, collected and enforced in the same manner and by the same persons and at the same time and with the same penalties and interest as are other taxes for state and county purposes, or for municipal purposes (as the case may be), and all laws applicable to the levy, collection and enforcement of taxes for state and county purposes or for municipal purposes (as the

case may be) are hereby made applicable to said special assessment taxes. It shall be the duty of the county assessor to assess, exclusive of any improvements thereon, all lands (if any there may be in any assessment district formed under this act) not otherwise assessed for purposes of general county taxes or general taxes of a municipality, against which such special assessment taxes are to be levied and collected as aforesaid. In the event that there is included within the assessment district any land belonging to any county, municipality, district, public agency, mandatory of the government, school board, educational, penal or reformatory institution or institution for the feeble minded or insane, and which is being used in the performance of a public function, and no declaration was made in the resolution of intention omitting such land from the assessment to be made, the amount of the special assessment tax levied each year against said land, as above provided, shall be an enforceable obligation against the owner of or the governing body controlling said land, and it shall be the duty of the officer or body having charge of the disbursement of the funds of the owner of said land to pay the amount of said special assessment tax levied, from any of the funds thereof available, immediately upon its becoming due. If for any reason there are no moneys in any of such funds then the county or municipality (as the case may be) conducting the proceedings shall pay said special assessment tax against said land and the said owner or governing body controlling said land shall reimburse said county or municipality immediately upon the receipt of sufficient moneys in any of its available funds. In all cases where sufficient funds are not available to make such reimbursement before the time of another tax levy the board or officers whose duty it is to levy taxes for said owner shall include in the next tax levy an amount, in addition to moneys for all other purposes, sufficient to reimburse said county or municipality.

The legislative body of the county or municipality (as the case may be) conducting the proceedings may annually, at the time of making said tax levy, transfer from the general fund of such county or municipality, or from any fund which may be used for acquisitions or improvements of a similar character as those made under the proceeding, to the interest and sinking fund above provided for such amount as in the judgment of said legislative body should be transferred. It is the intention of this provision that further assistance, in addition to that, if any, provided for in the resolution of intention and that which may be given as elsewhere provided in this act, may be given by the county or municipality toward the payment of the expenses of the thing or things done under the proceedings after bonds for said expenses shall have been issued and sold, and apart from the loans, and apart from the advances under the revolving fund elsewhere in this act provided for.

Contributions to sinking fund.

Mandatory
requirement.

In any event it shall be the duty of said legislative body to levy a special assessment tax upon all of the said lands within such district, sufficient to pay the principal and interest of said bonds as the same shall become payable, and said legislative body is hereby vested with power and jurisdiction to do all and singular the things which in this section aforesaid it is declared shall be done. Whenever any of said bonds or any payment of principal or interest thereon shall become due and there shall not be sufficient money in said interest and sinking fund to pay the same the legislative body may, pending the levy and collection of a special assessment tax therefor, order the amount of money necessary to pay said bonds or payment of principal or interest so falling due to be transferred from the general fund of the county or municipality, as the case may be, to said interest and sinking fund, and the amount of money so transferred shall be deemed a loan to said interest and sinking fund and shall be repaid to the general fund from the first money coming into said interest and sinking fund thereafter. Any money remaining in any acquisition and improvement district interest and sinking fund after all of the bonds of the district have been retired shall be transferred to the general fund of the county, or municipality, as the case may be, whose legislative body has had jurisdiction over the proceeding and may by said body be used in repairing any public way in said district, regardless of whether a portion or all of the district as originally formed may have been included within one or more municipalities which did not include such portion or all of the district at the time the proceedings for the same were initiated.

Transferal
of funds.

Validity of
bonds and
of tax
levies.

SEC. 42. All bonds issued in pursuance of the provisions of this act shall by their issuance be conclusive evidence of the regularity, validity and legal sufficiency of all proceedings, acts and determinations in any wise pertaining thereto, had or made under this act, and after the same are issued no tax levied or collected for the purpose of paying the principal or interest on said bonds shall be held to be invalid or illegal, or set aside or refunded, by reason of any error, informality, irregularity, omission or defect in any of the proceedings, acts or determinations in any wise pertaining to the issuance or payment of said bonds, nor shall any action or proceeding be thereafter commenced or maintained to cancel or set aside said bonds or to prevent the payment thereof or the levy or collection or enforcement of a tax for such payment.

Revolving
funds.

SEC. 43. The legislative body of any county or municipality shall have authority and power, by resolution or ordinance, to create, and to maintain, use and reimburse, as herein provided, a revolving fund or funds in connection with and incident to proceedings had under this act, for the purpose of facilitating, contributing toward or assisting in any way any improvements or acquisitions, or both such improvements and acquisitions, authorized in this act, and any of the

things which may be done hereunder. Said legislative body shall have power and authority by resolution to order transferred to and deposited in such revolving fund or funds money from the general fund, the permanent improvement fund, general street improvement fund, or any fund received and to be expended in laying out, constructing or otherwise improving or maintaining any public way or ways or property or rights of way of the public, or to be expended in acquiring property or rights of way therefor, or from the proceeds of any bonds issued either before or after the creation of such revolving fund, the proceeds of which may lawfully be appropriated to and expended for any of the things which may be done under this act, or from any other fund which may lawfully be appropriated to and expended for any of the purposes for which a proceeding may be had and taken under this act. Out of any revolving fund or funds created as herein provided the legislative body of the county or municipality, as the case may be, shall have authority and the power to appropriate any sum or sums deemed necessary and to expend the same for any of the things permitted to be done under this act, including any or all incidental expenses of proceedings, and may advance any sum or sums from any said revolving fund to pay any amount due upon any contract under this act, and may advance money from any said revolving fund and deposit the same in court as security for the purpose of obtaining immediate possession and use of any property sought to be acquired, as provided in this act, and may appropriate money out of any such revolving fund and purchase, at not exceeding the par value thereof, bonds issued under this act and collect and deposit in such revolving fund payments of principal and interest upon any such bonds so purchased from such revolving fund. Whenever the legislative body shall appropriate and expend or advance any sum or sums out of any said revolving fund to pay or to secure the payment of any of the costs and expenses of any improvement or acquisition, or both, authorized by this act, said legislative body shall have power and authority to order that the revolving fund be reimbursed, either in whole or in part, by the deposit therein of the proceeds of any bonds issued under this act in an amount or amounts not exceeding the amount so paid out or advanced from the revolving fund, or said legislative body upon making appropriations out of and expending any moneys from such revolving fund, as herein authorized, shall have power and authority to reimburse said revolving fund in whole or in part by appropriating thereto and depositing therein additional moneys from any of the funds hereinbefore enumerated from which transfers to and deposits in revolving funds may be made.

Transferal
of moneys.

Use of
funds.

Reimburse-
ment of
funds.

The legislative body may at any time reduce or discontinue any revolving fund herein authorized and established by its order and shall thereupon transfer the moneys remaining therein to the funds from which the same were derived or may

Reduction
or discon-
tinuance.

expend such moneys for any acquisitions or improvements which may be made under this act.

Issuance of new bonds where proceedings or bonds are void, etc.

SEC. 44. Whenever any court of competent jurisdiction shall determine that any contract purporting to have been made, or any proceedings, steps or actions purporting to have been taken, or any bond or bonds issued under this act, is or are void, invalid or unenforceable, or shall for any cause enjoin the issuance of any bonds proposed to be issued under this act, said court shall also determine whether any work has been done or improvements have been performed in good faith by any contractor under said invalid contract or proceeding or under any contract pursuant to which said bonds were issued or proposed to be issued, and if so what part, if any, of the said work or improvement was of such kind as might have been ordered under the provisions of this act, and whether the acquisitions made or purported to have been made are such as might have been ordered under the provisions of this act. If the court shall find that any work or improvement of such kind as might have been ordered under this act has been done or performed in good faith by any contractor under or in pursuance of a contract purporting to have been made under the provisions of this act, or that any acquisition has been made or attempted to be made which could have been made under the provisions of this act, then the said court shall direct the legislative body which conducted the proceeding to take proceedings as in this section provided for the issuing of new bonds to cover the reasonable value of said work or improvement, and to cover the expenses of such acquisitions as have been made. Said legislative body may also, without any decree of any court, upon the written application of a contractor who may have done or performed in good faith any work or improvements pursuant to a contract purporting to have been made under this act, or of the assignee of such contractor, if such work or improvements shall have been accepted, or of any bondholder, or upon the written application of any person interested in an acquisition attempted to be had under the proceeding, or of any bondholder, determine that the proceedings authorizing said work or improvements, or the acceptance thereof, or said acquisition, are for any reason invalid, and direct that new proceedings be had as provided in this section for the issuing of bonds to cover the reasonable value of so much of said work or improvements as is of a kind which might have been ordered and performed under this act, and to cover the expenses of the acquisition or acquisitions of such property as might have been ordered under this act.

Intent of section.

It is hereby declared to be the true intent and meaning of this section to make the costs and expenses of all work or improvements made or to be made and of all acquisitions had or to be had through an attempted compliance with and exercise of the powers conferred by the provisions of this act, payable by the lands benefited or to be benefited by such work,

improvements and acquisitions, by the issuance of new bonds to defray the expenses thereof.

Upon a decree of court or an order of the legislative body having been made as above provided, the said legislative body shall cause to be made by the superintendent of work or by some other county (or city) officer, as the case may be, or by some other competent person appointed by it for that purpose, a report for a proposed new bond issue. Said report, in the case of an improvement, shall set forth a description of the work or improvements done or performed by said contractor or assignee pursuant to the contract referred to in said decree of court or order of the legislative body, which work or improvements have been found by said court or said body to be of such kind as might have been ordered under this act, and shall state the reasonable value of said work or improvements (which shall not exceed the aggregate of the original contract price, if any, for said work and improvements, together with the incidental expenses of the original proceedings for said work and improvements, and shall also include interest upon said total, at the same rate proposed for the new bond issue, from the date of the original acceptance of said work by the legislative body, if so accepted), and a description of the district of the lands benefited thereby, and a description of the zones, if any, into which such district is divided, in each of which zones the lands included therein shall be benefited in like measure, and a statement of the percentage to be raised from the lands in each of such zones each year for the payment of the installments of principal and interest on the bonds falling due, and describe the bonds to be issued for the said amount, which bonds shall be as nearly as possible the same as to maturity, rate of interest and other particulars as the bonds described in the original proceedings for said work or improvements, correcting any errors or irregularities that may have existed in the description of the bonds in said original proceedings, and subject to the limitations contained in this act as to maturity and rate of interest. In the event said report comprehends an acquisition or acquisitions it shall set forth a description of such acquisitions as have been found by the court or said legislative body to be of such kind as might have been ordered under this act, and shall state the amount necessary to defray the expenses thereof (which shall not exceed the total amount of the original expense thereof, including incidental expenses of the original proceedings therefor and interest thereon at the same rate proposed for the new bond issue from the date of the order of the legislative body for the issuance of the original bonds for said acquisition, if any). In the event any payments have been made upon the principal or interest of any bonds outstanding, which have been declared invalid, by the owners of lands within the assessment district by the payment of any special assessment taxes which have been levied therefor, the amounts of such payments shall be ascertained

Report for
new issue.

and deducted from the amount for which new bonds are to be issued under this section and said report shall set forth the amount of the payments made and state that a credit or offset is to be made for said amount in the issuance of such new bonds. Said report shall be entitled in the matter of the same acquisition and improvement district as the original proceedings under which such improvements or acquisitions were made, shall be signed by the person making said report and be filed with the clerk of said legislative body. Upon the filing of said report the legislative body shall fix a day, hour and place for a hearing thereon, which time shall be not less than twenty days after the time of the filing, and direct the clerk of said body to give notice of the filing of said report and of said hearing, as provided in this section. The said clerk shall thereupon give notice of the filing of said report and of said hearing, which notice may, in form, and shall, in substance be (filling blanks) as follows:

NOTICE OF HEARING ON PROPOSED NEW BOND ISSUE.

Notice of
hearing.

In the matter of acquisition and improvement district No. ----- (giving the same number as in the original proceedings) of the county (or city) of ----- State of California.

Notice is hereby given that a report for a proposed new bond issue in the above entitled matter has been filed with the clerk of the ----- (designating the legislative body) ----- of the county (or city) of ----- Said report describes work and improvements declared to be of the reasonable value of \$----- as follows: (here insert a general description of the location and extent of the work and improvement sufficient to identify the same and of the character thereof, in general terms). (If the report comprehends an acquisition or acquisitions also insert the following): Said report also describes an acquisition of property by the public, the expense of which is declared to be the sum of \$----- and includes the following: (here insert in general terms a description of the property acquired and for what purpose acquired). Said report declares that the district of the lands benefited by said work and improvement and acquisition, or improvement or acquisition (as the case may be), is described as follows: (here insert description of the district contained in the report). Said report also declares that the lands in said district are divided into the following zones (if such be the case), each zone including the lands benefited in like measure: (here insert a description of the zones in which the district is divided). The percentages of the amounts to be raised by special assessment taxes against the lands in each of said zones to defray said expenses are as follows: (here insert the alphabetical or numerical designation of each zone and opposite it the percentage to be raised therefrom).

Notice is hereby given to all persons interested that it is proposed to issue new bonds for said work and improvements and acquisitions, or improvement or acquisition (as the case may be), to the amount (or amounts) of the reasonable value and the expenses thereof, being the amount (or amounts) above stated—less the sum (if any there be) of _____ dollars, which has been paid upon bonds previously issued, by the payment of special assessment taxes levied therefor, and for which a credit or offset will be made in the issuance of said new bonds—said bonds to bear interest at the rate of _____ per cent per annum, payable semiannually, all in gold coin of the United States (and such other language as is necessary to describe said bonds), and to pay the principal and interest of said bonds by the levy of special assessment taxes annually upon the lands within the district above described, all as provided for in the “Acquisition and improvement act of 1925,” to which statute the notice of all persons interested is hereby directed; and that a hearing on the said matter will be held before the said legislative body at the hour of ____ m. on the _____ day of _____, 19____, at the chambers thereof, located at _____.

Given by order of said legislative body (describing same) this _____ day of _____, 19____.

Clerk of _____ (designating
the legislative body.)

Said notice shall be signed by the clerk of the legislative body, and shall be published by at least three insertions and a copy thereof shall be posted for five days (not necessarily simultaneously) on or near the chamber door of said legislative body. Said publication and posting shall be completed not less than ten days before the date fixed for said hearing. Publication.

At the time fixed for the hearing of said report, or at any time to which said hearing may be continued, any person interested may appear and be heard upon any of the matters set forth in said report. Said legislative body shall have the power to confirm said report and to revise, correct or modify said report in such manner as it shall deem just and in accordance with the facts, in respect either to the amount or character of the work or improvement done or the reasonable value thereof (which value, however, shall not exceed the aggregate of the original contract price, if any, and the incidental expenses of the original proceedings, and shall also include interest thereon at the same rate adopted for the new bond issue from the date of the original acceptance of said work or improvement by the legislative body, if so accepted), to the acquisition or acquisitions made or to be made and the expenses thereof (which shall not exceed the aggregate of the amounts paid or to be paid for the property acquired and the incidental expenses of the proceedings for such acquisition and shall also include interest upon the bonds issued or to be Hearing and action thereat.

issued at the same rate adopted for the new bond issue from the date of the order of the legislative body directing the issuance of the original bonds), to the question of the district of the lands to be benefited (but any lands not included within the description set forth in said report shall not be included within said district), to the zones (if any) into which said district is divided, or to the percentages to be raised in each of said zones, or in respect to all of said matters; and at the conclusion of the hearing shall adopt a resolution declaring its findings and determinations in the matter, which shall be final and conclusive upon all persons and in all proceedings as to all matters so found and determined. If no changes are made in any of the matters set forth in said report it shall be sufficient in said resolution to declare that said report is confirmed and that bonds shall be issued as therein provided, but if any changes are made such changes shall be set forth and it may be declared that said report is confirmed as so modified by the changes set forth. The clerk of the legislative body shall at once transmit an attested copy of said resolution to the treasurer and upon receipt of the same the treasurer shall proceed to issue bonds as therein ordered. Said bonds shall be dated as of the date of the adoption of said resolution ordering the issuance of the same, and shall be issued and signed in all respects by the same officers and in the same manner and form as the bonds issued under the provisions for the original bond issue and special assessment taxes shall be levied, collected and enforced for the payment of the same in like manner and by the same officers as hereinbefore provided. Said bonds by their issuance shall be conclusive evidence of the regularity of all proceedings prior thereto under this act and after the same are issued no tax levied or collected for the purpose of paying the principal or interest on said bonds shall be held to be illegal or set aside or refunded by reason of any error, informality, irregularity, omission or defect in any of the proceedings prior to the issuance of said bonds, nor shall any action or proceeding be thereafter commenced or maintained to cancel or set aside said bonds or prevent the payment thereof, or the levy, collection or enforcement of any taxes for such payment.

Issuance
of bonds.

Delivery
of bonds.

Upon their issuance, such of said new bonds as may be for an improvement and the expenses thereof shall be delivered by the treasurer to the contractor, his successors or assigns or order, so that he or they may receive pay in full of the amount of his contract performed in good faith and covering improvements made which could be made under this act, together with all incidental expenses paid by him and interest as aforesaid, or to the then holders (if any bonds have been issued and transferred by the contractor to other parties) of any outstanding bonds declared invalid, such delivery to be made upon surrender for cancellation of the original bonds declared invalid, if any, issued for the improvement. Such of said new bonds as may be for an acquisition and the expenses thereof

shall, upon their issuance, if bonds have been issued and sold prior thereto for such acquisition and expenses and declared invalid, be delivered to the then holders of such outstanding bonds declared invalid, upon surrender for cancellation of such bonds, and, if no bonds have been issued and sold, then said new bonds shall be sold as in this act provided for the sale of bonds originally issued for the payment of the expenses of acquisition and the proceeds of such sale used to defray the expenses of the acquisition as heretofore provided.

All payments made, through the payment of special assessment taxes levied, upon any bonds issued under proceedings taken or purporting to have been taken under this act, which proceedings or bonds shall have been held or determined to be invalid or void, as in this section provided, subsequent to the issuance and sale of said bonds, shall, upon the issuance of new bonds, as in this section provided, for the balance remaining after crediting such payments, be deemed to have been made upon the new bonds issued hereunder, the same as though said new bonds had been issued for the total amount set forth in the report, without crediting any payments made upon bonds previously issued, and the payments which had been made returned; and no payments so made shall in such case ever be recovered or any tax proceedings or sales held invalid on that account.

Taxes
previously
paid.

SEC. 45. Any bonds which shall be issued under the provisions of this act shall be legal investments for all trust funds, and for the funds of insurance companies, banks, both commercial and savings, and trust companies, and for state school funds, and whenever any money or funds may by any law now or hereafter enacted be invested in bonds of cities, cities and counties, counties, school districts or irrigation districts within the State of California, such money or funds may be invested in the said bonds issued under this act and in accordance with its provisions, and whenever bonds of cities, cities and counties, counties, school districts or irrigation districts within this state may by any law now or hereafter enacted be used as security for the performance of any act or the deposit of any public moneys, the said bonds issued under this act and in pursuance of its provisions may be so used.

Bonds as
legal invest-
ments.

SEC. 46. Any bonds issued under this act may be surrendered by the holder thereof to the treasurer of the county or municipality, as the case may be, in accordance with the provisions of any law now or hereafter enacted applicable to the registration of municipal, county or district bonds, and thereafter the principal and interest becoming due thereon shall be paid to the proper registered owner thereof.

Registration
of bonds.

SEC. 47. If in any proceedings hereunder, at the time of any hearing a quorum of the legislative body is not present, said hearing may, by order of any one member of said legislative body or by announcement of the clerk thereof if no member is present, be continued to a day and hour to be stated in the order or announcement. Such order or announcement and

Continuance
of hearing.

a statement of the name of the members of the legislative body present, if any, shall be entered in the minutes of said legislative body and the said hearing shall be deemed and held to be regularly continued to the said hour so ordered or announced. If, for any reason, any such hearing is not had at the time fixed therefor and no order or announcement is made, as above provided, continuing the same to another time, the power of the legislative body in the premises shall not thereby be divested, but the legislative body may proceed anew to fix a time and place for such hearing and cause notice thereof to be given by publication by at least one insertion, such publication to be at least five days before the date of the hearing, and thereupon the legislative body shall have power to proceed and act as in the first instance.

Publication
of notices.

SEC. 48. Whenever any resolution, order, notice or other matter is required to be published or posted and the duty of posting or procuring the publication or posting of the same is not specifically enjoined upon any officer, it shall be the duty of the clerk of the legislative body conducting the proceeding to post or procure the publication or posting thereof, as the case may be. No proceeding or step required under this act shall be rendered insufficient or affected in any way by any error, mistake or departure as to the officer or person posting or procuring the publication or posting of any resolution, notice, order or matter hereunder, when the same is actually published or posted for the time required.

Proof of
publication.

Proof of the publication of any resolution, order, notice or other matter required by the provisions of this act shall be made by affidavit of the owner, publisher, printer or clerk of the newspaper and proof of the posting of any such resolution, order, notice or other matter required to be posted shall be made by the affidavit of the person posting the same or of the person who procured the same to be posted. Such affidavits of publication and posting shall be filed in the office of the clerk of the legislative body conducting the proceeding and it shall be the duty of any officer or person who is required by this act to have any resolution, order, notice or other matter published or posted, to obtain and file the affidavit or affidavits in proof thereof; *provided* that his failure so to do shall not affect in any way the validity of any proceedings under this act. Any such affidavits so filed shall be *prima facie* evidence of the facts therein stated regarding such publication or posting.

No publication or notice other than those provided for in this act shall be necessary in any of the proceedings provided for herein.

Manner of
publication.

SEC. 49. The notices, resolutions, orders or other matters required to be published by the provisions of this act shall be published as follows, to wit:

If the legislative body conducting the proceedings be that of a county, whether or not the proceeding includes an acquisition or improvement in and the assessment district includes

land within one or more municipalities as well as in unincorporated territory of the county, the publications shall be made in a newspaper to be selected and designated by said legislative body, published and circulated in said county, which may be published either daily or less often than daily; and if the legislative body conducting the proceedings be that of a municipality, whether or not the proceeding includes an acquisition or improvement in and the assessment district includes land within another municipality or unincorporated territory of the county, or both, as well as within its own boundaries, the publication shall be made in a newspaper to be selected and designated by said legislative body, published and circulated either in the municipality for which such legislative body functions or elsewhere in the county in which said municipality is located, which newspaper may be one published either daily or less often than daily. The newspaper selected shall be that deemed by said legislative body most likely to give notice to all owners of land in the assessment district and persons interested in the proceedings; *provided, however,* that it shall not be necessary for said legislative body to set forth a determination of said fact in any of the proceedings, but such determination shall be presumed from the selection and designation of the newspaper. Said legislative body may designate in the resolution of intention the newspaper for making the publication thereof and for making all other publications in or incident to the proceedings. In such case it shall not be necessary thereafter to designate the newspaper for each publication; *provided, however,* that if publication in the newspaper designated in the resolution of intention for making all publications in the proceedings shall become impossible for the reason that such newspaper has ceased to be published, or for any reason which renders publication therein impossible or impracticable, the legislative body may, by a resolution entered in its minutes, in which the facts are set forth, designate another newspaper for each required publication as occasion therefor arises. If a designation of a newspaper for making all publications in the proceedings is not made in the resolution of intention, as provided, the legislative body shall designate a newspaper for the publication of each notice, resolution, order or other matter required to be published as the occasion for such publication arises and in its order directing such publication. Whenever in this act it is provided that any notice, resolution, order or other matter "be published," such provision shall be deemed to and shall mean a publication in a newspaper as in this section provided.

If no newspaper be published in the county, where the legislative body of a county conducts a proceeding, or in the county in which the municipality is situated, where the legislative body of a municipality conducts a proceeding, then, any resolutions, notices, orders or other matters required to be published in a newspaper may, in lieu of publication, be posted

in three public places in the county, or municipality, as the case may be, and with like effect as if published, the said posting to be completed within the time provided for the publication.

The provisions of this section shall be controlling in all proceedings had and taken under this act, and no other statute shall govern or be applicable to the publications in this act provided for.

This section shall not apply to the publication of the notices required to be published by the clerk of the court in section 32 of this act.

Words and
phrases
defined.

SEC. 50. Subdivision 1. The term "public way," as used in this act, shall be deemed to mean and shall include all public highways, roads, streets, avenues, boulevards, lanes, alleys, courts, places, parks, pleasure grounds, commons, and all public ways and other property and rights of way of the public, whether lying entirely within unincorporated territory of a county or the territory of a municipality, or lying within such unincorporated territory and one or more unincorporated municipalities, or lying within two or more municipalities, or forming the exterior boundaries of any municipality where such municipality joins unincorporated territory of a county or the territory of another municipality, whether wholly or partly within or without said boundaries. Said term, as used in this act, shall also be deemed to mean and shall include all property for which an order to take immediate possession and use of a right of way thereover for a public use has been obtained from a court of competent jurisdiction in any action in eminent domain or proceeding for the acquisition thereof, in compliance with the provisions of section fourteen of article one of the constitution of this state.

Subdivision 2. The word "acquire," and any of its variants, as used in this act, shall be deemed to mean and shall include the acquisition of any public way or ways, as the same are above defined, and any other property and rights of way of the public, or to be acquired for the public, in any manner provided by law, including the laying out, opening, extending, widening, and straightening of the same, in whole or in part.

Subdivision 3. The word "improve," and any of its variants, as used in this act, shall be deemed to mean and shall include the construction or doing of the things and work following, either singly or in any combination thereof, as well as the reconstruction and repairing thereof, viz:

(a) Grading or regrading, paving or repaving, planking or replanking, macadamizing or remacadamizing, graveling or regravelling, oiling or reolling.

(b) The construction or reconstruction of sidewalks, crosswalks, steps, parks and parkways, culverts, bridges, curbs, gutters, tunnels, subways or viaducts.

(c) Sanitary sewers or instrumentalities of sanitation, together with the necessary outlets, cesspools, manholes, catch

basins, flush tanks, septic tanks, disposal plants, connecting sewers, ditches, drains, conduits, tunnels, channels or other appurtenances.

(d) Drains, tunnels, sewers, conduits, culverts and channels for drainage purposes; with necessary outlets, cesspools, man-holes, catch basins, flush tanks, septic tanks, disposal plants, connecting sewers, ditches, drains, conduits, channels and appurtenances.

(e) Poles, posts, wires, pipes, conduits, tunnels, lamps and other suitable or necessary appliances for the purpose of lighting public ways or property.

(f) Pipes, hydrants and appliances for fire protection.

(g) Breakwaters, levees, bulkheads and walls of rock or other material to protect public ways, or property or rights of way from overflow by water.

(h) Wells, pumps, dams, reservoirs, storage tanks, channels, tunnels, conduits, pipes, hydrants, meters or other appurtenances for supplying or distributing a domestic water supply.

(i) Mains, services, pipes, fittings, valves, regulators, governors, meters, drips, drains, tanks, ditches, tunnels, conduits, channels, or other appurtenances for supplying or distributing a domestic or industrial gas supply.

(j) Retaining walls, embankments and other structures necessary or suitable in connection with any of the work mentioned in this section.

(k) The planting of trees, shrubs or other ornamental vegetation.

(l) All other work which may be deemed necessary to improve the whole or any portion of any public ways or property or rights of way of the public.

(m) All other work or improvements auxiliary, incidental, necessary or convenient to any of the above, which may be required to carry out, facilitate or complete the same.

Subdivision 4. The word "work," when used in this act, shall be deemed to mean and shall include all the things included and all the works comprehended within the above definition of the word "improve".

Subdivision 5. The words "acquisition" and "improvement", when used in this act, referring to that which is done, which is to be done, or which may be done under proceedings had under this act, shall be understood to be generic and as being employed for the purpose of brevity and to avoid repetition, and shall refer to and include any or all of the things comprehended in the definitions of the words "acquire" and "improve" above given.

Subdivision 6. All work or improvement provided to be done "in" or "on" any public way or property or rights of way of the public in this act shall be deemed to mean and shall include such work or improvement in, under, upon and above the same.

Subdivision 7. The term "legislative body", as used in this act, when applied to a municipality, shall mean the body

or board which, under the law, constitutes the legislative department of the government of the municipality, and, when applied to a county, shall mean the board of supervisors of the county.

Subdivision 8. The term "incidental expenses", as used in this act, when referring to proceedings for an acquisition, shall be deemed to mean and shall include, in addition to the amounts awarded to the defendants by the interlocutory judgment, the costs of the defendants, the compensation and expenses of the referees, as allowed by the court, and all other costs of the plaintiff in such action and expenses incurred by it in the trial thereof, all expenses necessarily incurred in connection with such proceedings for the publication and posting of resolutions, notices and orders in any of the proceedings, for maps, plats, surveys, searches and certificates of title to the property to be acquired, the compensation of the person appointed to prepare and furnish specifications for the acquisition, the compensation of the special counsel or attorney employed to prepare any or all of the proceedings necessary to be had and taken or to commence, prosecute and bring to a conclusion the necessary court actions or for any or all of such services, and the estimated cost of preparing the bonds and any other expenses incurred by authority of this act or incidental to the completion of the acquisition in the manner herein specified. The said term, as used in this act, when referring to proceedings for an improvement, shall be deemed to mean and shall include all expenses necessarily incurred in the proceedings for the publication and posting of resolutions, notices and orders in any of such proceedings, the compensation of the person appointed to prepare and furnish specifications therefor, the compensation of the superintendent of work, the compensation of the engineer, and the estimated cost of preparing the bonds and any other expenses incurred by authority of this act or incidental to the completion of the improvement in the manner herein specified.

Subdivision 9. The word "treasurer," as used in this act, shall mean and refer to, in all proceedings conducted by the legislative body of the county, the county treasurer, and in all proceedings conducted by the legislative body of a municipality, the city treasurer.

Subdivision 10. The word "municipality" and the word "city," as used in this act, shall mean and include any corporation heretofore organized and now existing and those hereafter organized for municipal purposes.

Subdivision 11. The words "land" and "lands," as used in this act, shall be deemed to refer to and shall include pieces, parcels, lots, portions of lots, and all other subdivisions of land.

SEC. 51. This act shall in no wise affect any other act or acts now existing or which may hereafter be passed covering the same subject matter nor apply to any proceedings had thereunder but it is intended to and does provide an alterna-

tive system for making the improvements and acquisitions provided for in this act and of accomplishing the purposes comprehended herein, and it shall be in the discretion of the appropriate legislative body to proceed under the provisions either of this act or of any other such act, but when any proceedings are commenced under this act, the provisions of this act and of such amendments hereto as may hereafter be passed and no other shall apply to all such proceedings, and any provisions contained in any of such other acts or any acts in conflict herewith shall be void and of no effect as to proceedings commenced under this act.

SEC. 52. This act and all of its provisions shall be liberally construed to the end that the purposes hereof may be effective. No error, defect, irregularity, informality and no neglect or omission of any officer of any county or municipality, in any procedure taken hereunder, which does not affect the jurisdiction of the legislative body to order the doing of the thing or things proposed to be done, shall avoid or invalidate such proceeding or any bonds issued thereunder. The exclusive remedy of any person affected or aggrieved thereby shall be by appeal to the legislative body as hereinbefore provided. The sole acts necessary and essential to confer jurisdiction upon the legislative body to order the doing of the thing or things proposed to be done shall consist of the adoption of a resolution of intention therefor and the publication of the same, as in this act provided.

Construction of act.

If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this act. The legislature hereby declares that it would have passed this act irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Constitutionality.

SEC. 53. This act shall be known as, and whenever cited, referred to, or amended, may be designated as the "Acquisition and improvement act of 1925," and by such designation shall be sufficiently identified in any proceeding hereunder or in any court action or proceeding or legislative enactment in which this act is referred to.

Short title.

CHAPTER 420.

An act to amend sections two, three, four, five and six of an act entitled "An act relating to the liquidation of banks by the superintendent of banks; empowering him to levy assessments against the members and stockholders of any bank in process of liquidation by him to an amount which he may determine to be necessary to promptly pay the creditors of such bank in full; to enforce such assessments by suit and empowering the superior court to determine the equities of the members and stockholders of any such

bank to any surplus which may remain after the payment of the creditors of such bank in full and to award and distribute the same accordingly," approved May 17, 1917.

[Approved by the Governor May 23, 1925.]

The people of the State of California do enact as follows:

Stats. 1917,
p. 581,
amended.

SECTION 1. Section two of an act entitled "An act relating to the liquidation of banks by the superintendent of banks; empowering him to levy assessments against the members and stockholders of any bank in process of liquidation by him to an amount which he may determine to be necessary to promptly pay the creditors of such bank in full; to enforce such assessments by suit and empowering the superior court to determine the equities of the members and stockholders of any such bank to any surplus which may remain after the payment of the creditors of such bank in full and to award and distribute the same accordingly," approved May 17, 1917, is hereby amended to read as follows:

Order
levying
assessment.

Sec. 2. Any such assessment shall be levied by order of the superintendent of banks, under his official seal, which order shall be executed in duplicate, one to be filed in the office of the superintendent of banks and one with the papers in the liquidation proceedings in the county in which said bank shall have been located.

Said order shall specify the amount of the assessment, and shall fix a date on which the said assessment shall be due and payable, which said date shall not be less than thirty nor more than sixty days from the time of making the order levying the assessment. The said assessment shall be payable to the superintendent of banks at his office, or at such other place as may be specified in the order levying the assessment.

Notice

Notice of such assessment shall be given by causing a copy of said order to be published once a week for four successive weeks in one or more newspapers of general circulation devoted to the publication of general news, published at the place where the principal place of business of the bank was located, or if there be no newspaper at such place, then the publication shall be made in some other newspaper of the county, if there be one, otherwise in a newspaper published in an adjoining county. Notice of such assessment shall also be given by causing a copy of said order to be personally served upon each stockholder, or, in lieu of personal service, sent through the mail, postage prepaid, addressed to such stockholder at his place of residence or business, if known, and if not known, at the place where the principal office of the bank was situated. Said copies of said order shall be so personally served or placed in the mail within fifteen days after the making of the order levying the assessment.

Stats. 1917,
p. 581,
amended.

SEC. 2. Section three of said act approved May 17, 1917, is hereby amended to read as follows:

Sec. 3. If any stockholder of said bank shall fail to pay the said assessment in full upon the date specified in the said order as the date on which said assessment shall be due and payable, a right of action shall immediately accrue to the superintendent of banks to recover the amount of said assessment or the amount remaining unpaid thereon from the stockholder or stockholders failing to pay the same in full.

Failure to pay.

Sec. 3. Section four of said act approved May 17, 1917, is hereby amended to read as follows:

Stats. 1917, p. 582, amended.

Sec. 4. The superintendent of banks shall have power to maintain an action or actions in this state or in any other state or country to enforce and collect any sums or amounts due and payable and remaining unpaid upon any such assessment from any stockholder or stockholders failing to pay the same in full; and in any such action the superintendent of banks may join as defendants one or more stockholders; and in any such action the superintendent of banks shall have the right of attachment as in other actions upon unsecured debts; *provided, however,* that the superintendent of banks shall not be required to give bond on attachment or pay filing fees or other court costs.

Action to collect assessments.

Sec. 4. Section five of said act, approved May 17, 1917, is hereby amended to read as follows:

Stats. 1917, p. 582, amended.

Sec. 5. All sums collected from any such assessment, less the reasonable expenses of collection, shall be used by the superintendent of banks in the liquidation of claims against the bank in the same manner as assets of the bank are so used. If such assessment, first made, shall prove inadequate to pay all of the creditors of the bank in full, the superintendent of banks may levy further assessment or assessments and proceed to collect same in like manner.

Use of moneys collected.

Sec. 5. Section six of said act, approved May 17, 1917, is hereby amended to read as follows:

Stats. 1917, p. 582, amended.

Sec. 6. If after the payment of all liabilities against such bank, and the costs and expenses of liquidation, any surplus shall remain, the court in the liquidation proceedings shall determine and provide for any equities as between the respective stockholders, including the proportions belonging to each stockholder in and to any surplus of money or assets remaining after payment of all liabilities and the costs and expenses of liquidation, by reason of full or partial payment of any such assessment or assessments, and shall direct the payment thereof by the superintendent of banks accordingly.

Disposition of surplus moneys.

Sec. 6. This amendatory act shall not affect any action or proceedings instituted by the superintendent of banks prior to its enactment.

Effect of act.

CHAPTER 421.

An act to promote the development of the California canned fruit industry and to prevent deception in the packing and sale of canned fruit by establishing and defining certain

standards for canned fruit of the varieties herein named, defining the powers and duties of the director of the department of agriculture in relation hereto, including the collection of fees, creating a board of appeal and defining its powers and duties in relation hereto and fixing the compensation of the members thereof, prescribing penalties for violations hereof and making an appropriation to carry out the provisions hereof.

[Approved by the Governor May 23, 1925.]

The people of the State of California do enact as follows:

Short title.

SECTION 1. This act shall be known and for any and all purposes may be designated and referred to as the "California canned fruit standardization act."

Purpose of act.

SEC. 2. To promote the development of the California fruit industry and to prevent deception in the packing, shipping and sale of canned fruit, there are hereby created and established certain standards of quality and size and requirements for marking of the varieties of canned fruits hereinafter referred to.

Standard sizes of cans.

SEC. 3. For the purposes of this act the following are hereby declared and established as the standard sizes of cans for canned fruits of the varieties mentioned in this act, packed, shipped, delivered for shipment, offered for sale or sold in the State of California, to wit:

(a) Picnic, which is hereby defined as a cylindrical can two and eleven-sixteenth inches in diameter and four inches in altitude;

(b) No. 1 flat, which is hereby defined as a cylindrical can four inches in diameter and two and three-eighth inches in altitude;

(c) No. 1 tall, which is hereby defined as a cylindrical can three inches in diameter and four twenty-one thirty-second inches in altitude;

(d) No. 2 tall, which is hereby defined as a cylindrical can three and three-eighth inches in diameter and four and fifteen thirty-second inches in altitude;

(e) No. 2½ tall, which is hereby defined as a cylindrical can four inches in diameter and four and eleven-sixteenth inches in altitude;

(f) No. 10 tall, which is hereby defined as a cylindrical can six and one-eighth inches in diameter and six and fifteen-sixteenth inches in altitude;

Fruit designated as seconds.

SEC. 4. In any of the cases and under any of the conditions in this section provided with respect to the several varieties of canned fruits hereinbelow specified, packed, shipped, delivered for shipment, offered for sale or sold in the State of California, the same shall be and are hereby defined, declared and designated as "Seconds," to wit:

Apricots.

(A) Canned apricots, halved:

(1) If more than eighteen pieces thereof are packed in a picnic can; if more than twenty-three pieces thereof are

packed in a No. 1 flat can; if more than twenty-six pieces thereof are packed in a No. 1 tall can; if more than thirty-one pieces thereof are packed in a No. 2 tall can; if more than forty-two thereof are packed in a No. 2½ tall can; if more than one hundred fifty-one pieces thereof are packed in a No. 10 tall can;

(2) If the packed pieces of the fruit are not substantially uniform in size;

(3) If any lot or parcel thereof varies more than four pieces thereof per picnic can; five pieces thereof per No. 1 flat can; six pieces thereof per No. 1 tall can; seven pieces thereof per No. 2 tall can; eight pieces thereof per No. 2½ tall can; twenty-nine pieces thereof per No. 10 tall can;

(4) If the fruit is not of reasonably good color, or not reasonably free from blemishes serious for the grade, or not reasonably uniform in color, degree of ripeness and symmetry;

(5) If at the time of packing, the liquid surrounding the fruit shall contain less than twenty-five per cent added sugar.

(B) Canned pears, halved:

Pears.

(1) If more than nine pieces thereof are packed in a picnic can; if more than eleven pieces thereof are packed in a No. 1 flat can; if more than thirteen pieces thereof are packed in a No. 1 tall can; if more than fifteen pieces thereof are packed in a No. 2 tall can; if more than twenty-one pieces thereof are packed in a No. 2½ tall can; if more than seventy-six pieces thereof are packed in a No. 10 tall can;

(2) If the packed pieces of the fruit are not substantially uniform in size;

(3) If any lot or parcel thereof varies more than three-pieces thereof per picnic can; four pieces thereof per No. 1 flat can; four pieces thereof per No. 1 tall can; five pieces thereof per No. 2 tall can; six pieces thereof per No. 2½ tall can; twenty-two pieces thereof per No. 10 tall can;

(4) If the fruit is not of reasonably good color, or is unripe, or is mushy, or is not reasonably free from blemishes serious for the grade, or not reasonably symmetrical;

(5) If at the time of packing, the liquid surrounding the fruit shall contain less than twenty per cent added sugar.

(C) Canned cling peaches and free peaches, halved:

Peaches.

(1) If more than nine pieces thereof are packed in a picnic can; if more than eleven pieces thereof are packed in a No. 1 flat can; if more than thirteen pieces thereof are packed in a No. 1 tall can; if more than fifteen pieces thereof are packed in a No. 2 tall can; if more than twenty-one pieces thereof are packed in a No. 2½ tall can; if more than seventy-six pieces thereof are packed in a No. 10 tall can;

(2) If the packed pieces of the fruit are not substantially uniform in size;

(3) If any lot or parcel thereof varies more than three pieces thereof per picnic can; four pieces thereof per No. 1 flat can; four pieces thereof per No. 1 tall can; five pieces

thereof per No. 2 tall can; six pieces thereof per No. 2½ tall can; twenty-two pieces thereof per No. 10 tall can;

(4) If the fruit is not of reasonably good color, or not reasonably free from blemishes serious for the grade, or not reasonably uniform in color, degree of ripeness and symmetry;

(5) If at the time of packing, the liquid surrounding the fruit shall contain less than twenty-five per cent added sugar.

Black and
white
cherries.

(D) Canned black cherries and white cherries, whole:

(1) If more than seventy-five cherries thereof are packed in a picnic can; if more than ninety-five cherries thereof are packed in a No. 1 flat can; if more than one hundred seven cherries thereof are packed in a No. 1 tall can; if more than one hundred twenty-nine cherries thereof are packed in a No. 2 tall can; if more than one hundred seventy-five cherries thereof are packed in a No. 2½ tall can; if more than six hundred thirty cherries thereof are packed in a No. 10 tall can;

(2) If the packed cherries are not substantially uniform in size;

(3) If any lot or parcel thereof varies more than twenty-five cherries thereof per picnic can; thirty cherries thereof per No. 1 flat can; thirty-five cherries thereof per No. 1 tall can; forty cherries thereof per No. 2 tall can; fifty cherries thereof per No. 2½ tall can; one hundred eighty cherries thereof per No. 10 tall can;

(4) If the fruit is not of reasonably good color, or not reasonably free from blemishes serious for the grade, or not reasonably uniform in degree of ripeness;

(5) If at the time of packing, the liquid surrounding the fruit shall contain less than twenty per cent added sugar.

Royal Anne
cherries.

(E) Canned Royal Anne cherries, whole:

(1) If more than sixty-two cherries thereof are packed in a picnic can; if more than seventy-nine cherries thereof are packed in a No. 1 flat can; if more than eighty-nine cherries thereof are packed in a No. 1 tall can; if more than one hundred six cherries thereof are packed in a No. 2 tall can; if more than one hundred forty-five cherries thereof are packed in a No. 2½ tall can; if more than five hundred twenty-two cherries thereof are packed in a No. 10 tall can;

(2) If the packed cherries are not substantially uniform in size;

(3) If any lot or parcel thereof varies more than twenty cherries thereof per picnic can; twenty-five cherries thereof per No. 1 flat can; thirty cherries thereof per No. 1 tall can; thirty-five cherries thereof per No. 2 tall can; forty cherries thereof per No. 2½ tall can; one hundred forty-four cherries thereof per No. 10 tall can;

(4) If the fruit is not of reasonably good color, or not reasonably free from blemishes serious for the grade, or not reasonably uniform in degree of ripeness;

(5) If at the time of packing, the liquid surrounding the fruit shall contain less than twenty per cent added sugar.

Either the Brix or Balling scale shall be used on hydrometers or saccharometers to indicate the percentage by weight of sugar going into the syrup, the terms "percentage" and "degree" being synonymous when used with these instruments. Scales.

The above specifications as to quality of grade and uniformity of size shall apply to fruit packed in cans of all sizes, whether specifically designated in this act or not. The size of the fruit packed in cans of any size not designated herein shall be no smaller than is required in the next largest size of can specified herein. Other sizes of cans.

The above specifications covering the number of pieces packed in cans of said respective designated sizes and also the above specifications covering the variation in the number of pieces packed in cans of said respective designated sizes, shall not apply to sliced apricots, peaches or pears as distinguished from apricots, peaches or pears which have only been cut in half. All other of said specifications shall apply to sliced fruit as well as to fruit which has been cut in half. Sliced fruit.

SEC. 5. In defining and establishing the classifications or grades of "seconds" for canned fruits of the varieties above specified, this act recognizes that there are now packed and sold in this state, California fruits of said several varieties of better grade, and known to the trade in the rising order of grade and quality as "Standard," "Choice" and "Fancy." Better grades.

SEC. 6. All canned fruit of the above named varieties packed, shipped, delivered for shipment, offered for sale or sold in the State of California, which is of a grade herein above defined and designated as "Seconds" and to which no sugar is added to the liquid surrounding the fruit shall be clearly, indelibly and permanently marked "Seconds without added sugar," such marking to be in letters not less than one-fourth inch high embossed or lithographed in the tin of the top or cover of the can. Where some sugar, but less than ten per cent is added to the liquid surrounding the fruit, the cans shall be marked "Seconds" followed by a statement of the actual amount of added sugar, such marking to be in letters not less than one-fourth inch high, embossed or lithographed in the tin of the top or cover of the can. Marking of cans containing seconds.

All canned cherries and pears packed, shipped, delivered for shipment, offered for sale or sold in the State of California, which are of a grade herein above defined and designated as "Seconds" and to which not less than ten per cent sugar and up to twenty per cent is added to the liquid surrounding of the fruit, shall be clearly, indelibly and permanently marked "Seconds," such marking to be in letters not less than one-fourth inch high, embossed or lithographed in the tin of the top or cover of the can.

All canned peaches and apricots packed, shipped, delivered for shipment, offered for sale or sold in the State of California, which are of a grade herein above defined and designated as "Seconds" and to which not less than ten per cent sugar and up to twenty-five per cent is added to the liquid surrounding

the fruit, shall be clearly, indelibly and permanently marked "Seconds," such marking to be in letters not less than one-fourth inch high, embossed or lithographed in the tin of the top or cover of the can.

No other marking or sticker or wrapping shall be placed on or about said top or cover in a manner which will wholly or partially obscure or divert attention from the above designated marking, and if printed or lithographed labels are placed on the walls of the cans, they shall be so placed that the top of the label corresponds with the top of the can, but with a tolerance of ten per cent to cover errors in so placing the label.

Nothing contained herein shall be construed to prohibit the proper printing of factory can marks in ink or embossing on the top or cover of the can.

Fruit packed of a quality materially better than seconds as hereinabove defined and to which no sugar has been added, may be marketed without being designated as seconds; *provided*, the label on canned fruit of the above mentioned varieties so packed, is clearly and indelibly marked "Packed without added sugar," in type at least one-half inch high.

Powers
and duties
of director
of agricul-
ture.

SEC. 7. The director of agriculture of the State of California, shall be charged with the enforcement of the provisions of this act, and for that purpose shall have the power:

(a) To enter and inspect every place within the State of California where fruits of the above named varieties are canned, stored, shipped, delivered for shipment, offered for sale, or sold, and to inspect all fruits and containers found in any such place.

(b) In accordance with the provisions of the civil service law of this state, to appoint, superintend, control and discharge such chief inspector and subordinate inspectors as in his discretion may be deemed necessary for the specific purpose of enforcing the terms of this act, prescribe their duties and, in conjunction with the board of control, to fix their compensation.

(c) Personally, or through any such deputy, or any such inspector to seize and retain possession of any canned fruit packed, shipped, delivered for shipment, offered for sale, or sold, in violation of any of the provisions of this act, and to hold same pending decision by the board of appeal herein after provided for, or the order of the court.

(d) In the name of the people of the State of California, to cause to be instituted and to be prosecuted in the superior court of any county or city and county, of the State of California, in which may be found canned fruit which is packed, shipped, delivered for shipment, offered for sale, or sold, in violation of any of the provisions of this act, an action or action for the condemnation of canned fruits as provided in section eight of this act.

(e) To appoint, subject to the approval of the governor of the State of California, a board of appeal composed of citizens

of the State of California, who are recognized as men of experience in the judging of the grade and quality of California canned fruits, and, from time to time, subject to such approval, to fill vacancies in said board. The number of members so appointed to such board shall be seven; they shall hold office for a period of one year from the date of appointment, and shall be subject to removal by the director of agriculture with the approval of the governor of the State of California. No less than three of the members of such board shall be empowered to conduct any of the hearings hereinafter provided for, and at least one of said three shall be a canner, but the director of agriculture need secure the attendance of no more than three for any one hearing. The decision of the majority of those in session shall be controlling. The board of appeal, with the cooperation of the director of agriculture, may adopt such rules and regulations as they may deem necessary, not inconsistent with the provisions of this act, in connection with their official duties hereunder.

SEC. 8. In the event of seizure of any product of a cannery under the provisions of this act the director of agriculture shall immediately give written notice thereof to the party from whom such seizure was made, or to the party who originally packed and sold such product. Within five full business days thereafter the party so notified, or any other party interested therein, may file with the director of agriculture a written notice of appeal from such seizure. The party so filing such notice of appeal shall accompany the same with the payment of a fee of thirty dollars. Upon receiving such notice of appeal and said fee for filing the same, the director of agriculture shall set a time and place for the hearing of such appeal, which time shall not be more than ten days from the filing of such notice of appeal. The director of agriculture shall summon any three members of the board of appeal to conduct such hearing and shall also give written notice of the time and place of such hearing to all parties concerned.

Seizures
and appeals
therefrom.

After such hearing if the board of appeal shall determine that the product under seizure has been packed in conformity with the requirements of this act they shall make an order to that effect and that such product be immediately released.

If the board of appeal shall decide that such product does not conform to the requirements of this act, but that there has been no wilful violation of the provisions hereof, the board shall order the containers of the product to be, within a reasonable time after actual notice of such decision, remarked or relabeled, as nearly as can then practically be done in conformity with the provision of this act, and that such product be released only upon such conditions to be prescribed by the board as will prevent as far as possible the marketing of such product in violation of the terms and provisions of this act. The term "wilful violation" as used herein is hereby defined to mean a violation committed with actual intent so to do or with actual knowledge at the time that the same is being done,

in the case of an individual or a partnership, on the part of such individual or one or more of the partners, and, in the case of a corporation, on the part of one or more directors, officers, managers or superintendents; *provided*, that any failure to conform to such order of the board within the time designated thereby after such notice shall be deemed to be a wilful violation of this act, if the court, in any proceeding commended as hereinafter provided, shall determine that such product does not conform to the provisions of this act.

Prosecution
of wilful
violators.

If the board shall determine that there has been a wilful violation of this act, or in case of a failure to conform to any order of the board as to any product found to be below standard grade, the director of agriculture shall certify the same, together with the facts leading up to the making of such order, to the district attorney of the proper county, and it shall be the duty of such district attorney to institute and prosecute appropriate court proceedings for the punishment of the violation of this act and for the condemnation of any product found to be below standard grade as above provided.

If no appeal from such seizure be filed within the time allowed as above provided, or, in case of an appeal, if no appearance on behalf of the appellant is made at the time and place set for the hearing thereof, the director of agriculture shall certify the fact of such seizure, together with the facts upon which the same has been based, to the district attorney whose duty shall be as provided in the preceding paragraph.

Orders.

All orders of the board of appeal shall be made in writing and filed in the office of the director of agriculture. Such orders shall be made and filed within ten days after the close of the hearing.

Disposition
of condemned
products.

SEC. 9. In case the court shall condemn any of such product, the same may be destroyed, or, under appropriate directions from the court, may be released upon such conditions as the court in its discretion may impose to insure that such product will not be shipped, delivered for shipment, offered for sale or sold, in violation of any of the provisions of this act.

Acceptance
for ship-
ment.

SEC. 10. It shall be lawful for any person, firm, company, corporation or organization and for any common carrier to refuse to accept for shipment or transportation and to refuse to ship or to transport, any canned fruit which upon inspection is found to be or to be packed in violation of any of the provisions of this act, and any such person, firm, company, corporation, organization or common carrier, may reserve the right in any receipt, bill of lading or other writing given to the consignor thereof, to reject for shipment or transportation and to return to such consignor, or to hold at the expense and risk of the latter, all canned fruit which upon inspection is found to be or to be packed in violation of any of the provisions of this act.

Guaranty
of product.

SEC. 11. No person, firm, company, organization or corporation, shall be convicted of a violation of any provisions of this act, if he shall establish a guaranty, signed by the

person, firm, company, organization or corporation, residing or lawfully engaged in business in the State of California, by or for whom the canned fruit in question was originally packed, to the effect that the product in question complies in all respects with the provisions of this act. Such guaranty, to afford protection, shall contain the name and address of the party making such guaranty, and such guarantor shall be amenable to all of the prosecutions, fines and penalties provided for by this act.

SEC. 12. Any person, firm, company, organization or corporation, who shall violate any of the provisions of this act shall be punishable by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment. Penalty.

SEC. 13. It shall be the duty of the district attorney of the county, or city and county, in which any violation of this act may occur, to prosecute every person, firm, company, organization and/or corporation accused of such violation, and also, at the request of the director of agriculture, or any one of his deputies, to institute and prosecute such actions for condemnation as may be authorized under the provisions of this act. Prosecution of violators.

SEC. 14. The members of the board of appeal in attendance at any session of the board at which a hearing is held shall each receive as compensation for such attendance the sum of ten dollars for each half day or part thereof. Such compensation shall be paid out of the fees collected by the director of agriculture as herein provided. Compensation of members of boards of appeal.

SEC. 15. No act which is made unlawful by any provision of an act of the legislature of the State of California, entitled "An act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors and regulating the traffic therein, providing penalties, establishing a state laboratory for foods, liquors, and drugs and making an appropriation therefor," approved March 11, 1907, or any amendment thereto, shall be deemed lawful by reason of any provision of this act; nor shall this act be construed in any respect to limit the powers of the state board of health. Effect on other laws.

SEC. 16. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional. Constitutionality.

SEC. 17. The sum of fifteen thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the purposes of this act. Appropriation.

SEC. 18. This act shall not apply to any of the above enumerated fruits packed prior to January 1, 1926. Effective.

CHAPTER 422.

An act to amend section four thousand two hundred forty-five of the Political Code, relating to the salaries and fees of officers in counties of the sixteenth class.

[Approved by the Governor May 23, 1925.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred forty-five of the Political Code is hereby amended to read as follows:

Counties of
16th class:
salaries and
fees of
officers.

4245. In counties of the sixteenth class the county officers shall receive as compensation for their services required of them by law, or by virtue of their offices, the following salaries, and fees:

Clerk.

1. The county clerk, three thousand six hundred dollars per annum, and registration fees; all other fees of the clerk's office to be paid into the county treasury; *provided*, that in counties of this class there shall be a chief deputy clerk who shall be paid a salary of two thousand four hundred dollars per annum in equal monthly installments; said chief deputy in addition to his other duties, to prepare all deeds for the county without extra cost to the county.

One deputy clerk for each department of the superior court in this class of counties who shall receive a salary of one thousand eight hundred dollars each per annum, to be paid in equal monthly installments, also one deputy clerk who shall be paid one thousand eight hundred dollars per annum, to be paid in equal monthly installments; and also a stenographer at a salary of one thousand five hundred dollars per annum; the salaries of said deputy clerks to be paid at the same time, and in the same manner, and out of the same fund as the salary of the county clerk, the clerk also to receive ten cents a name for each person registered in his office, which shall be allowed by the board of supervisors of the county. He shall also be allowed not to exceed ten deputies for the purpose of registering electors, who shall be paid by the county not to exceed ten cents for each elector registered; except that any of such deputies as are required to work in the office shall receive not to exceed four dollars per day for the time so employed. All deputies for the purpose of registering electors in excess of those above referred to shall be paid by the county clerk, the sum of ten cents for each elector registered by such deputies.

The changes provided for in this section shall not be effective until the beginning of the next term of office of the county clerk.

Sheriff.

2. The sheriff, three thousand six hundred dollars per annum and mileage for the service of papers or process coming from courts other than those of his own county; *provided*, that in counties of this class there shall be one chief deputy sheriff at two thousand one hundred dollars per annum, to be paid in equal monthly installments; and five deputy sheriffs at one thousand eight hundred eighty dollars per annum, to

be paid in equal monthly installments. The sheriff may also, with the consent of the superior judge, when necessary for the care of the jury, appoint a woman as deputy sheriff who shall be paid a per diem of four dollars when actually engaged in the performance of her duties. The sheriff may also employ a matron for the county jail, who shall be paid a per diem of four dollars for each day a female is imprisoned in the county jail. It is hereby found as a fact that the changes provided for in this section do not work an increase in the compensation of the principal and it is intended that the same apply to the present incumbents.

3. The recorder, three thousand dollars per annum; and said recorder shall collect and pay into the county treasury for the use and benefit of the county the fees required by law to be collected; *provided*, that in counties of this class there shall be one chief deputy recorder who shall receive a salary of two thousand one hundred dollars per annum, one indexing deputy recorder who shall receive a salary of one thousand eight hundred dollars per annum, and three deputies who shall each receive a salary of one thousand five hundred dollars per annum, and such copyists as are necessary to perform the duties of the office, at a compensation of five cents per folio, the salaries of said recorder, deputies and copyists to be paid in equal monthly installments by the county. Recorder.

4. The auditor, three thousand dollars per annum; *provided*, that in counties of this class there shall be one deputy auditor who shall receive a salary of two thousand four hundred dollars per annum, and one deputy auditor who shall receive a salary of one thousand five hundred dollars per annum. And one deputy auditor who shall receive a salary of one thousand two hundred dollars per annum. The auditor shall also be allowed and may employ such additional clerical and office help as may be absolutely necessary for the performance of his official duties, at a salary not to exceed five dollars per day, and not exceeding a total sum of one thousand dollars per annum, such salary to be paid at the times and in the manner and from the same fund as the salary of the auditor is paid. Auditor.

5. The treasurer, one thousand eight hundred dollars per annum and the fees and commissions now or hereafter allowed by law. Treasurer.

6. The tax collector, one thousand eight hundred dollars per annum, and the fees and commissions now or hereafter allowed by law; *provided*, that in counties of this class, there shall be one deputy tax collector who shall receive a salary of two thousand four hundred dollars per annum, to be paid in equal monthly installments at the same time and out of the same fund as the salary of the tax collector is paid; *also, provided*, that in counties of this class there shall be one deputy tax collector for not exceeding seven months in each year at a salary of one hundred twenty-five dollars per month, and also one deputy tax collector for not exceeding five months in each year, at one hundred twenty-five dollars per month, Tax collector.

and also one deputy tax collector for not exceeding two months in each year at a salary of one hundred dollars per month, said salaries to be paid at the times and in the manner and out of the same fund as the tax collector's salary is paid. The tax collector shall also be allowed and may employ such additional clerical and office help as may be absolutely necessary for the performance of his official duties, at a salary not to exceed five dollars per day, and not exceeding a total sum of five hundred dollars per annum, such salary to be paid at the times and in the manner and from the same fund as the salary of the tax collector is paid. It is hereby found as a fact that the changes provided for in this section do not work an increase in the compensation of the tax collector and it is intended that the same shall apply immediately to the present incumbents.

Assessor.

7. The assessor, two thousand seven hundred dollars per annum, and the fees and commissions now or hereafter allowed by law; *provided*, that in counties of this class there shall be allowed three deputies who shall be appointed by the assessor, one to receive a salary of two thousand four hundred dollars per annum, and one a salary of one thousand eight hundred dollars per annum, and one a salary of one thousand five hundred dollars per annum to be paid in equal monthly installments, at the same time and in the same manner and out of the same funds as the salary of the assessor is paid. It shall be the duty of said deputies, among other things, to make and correct all plats, maps and block books for the assessor's office; *provided, also*, that for each statement upon the assessment roll in excess of twenty thousand, the assessor shall receive the sum of fifty cents. *Provided*, that the assessor shall not be allowed or paid for more than one statement per tax payer in any one school district. *Provided, further*, that in counties of this class the assessor shall also be allowed and may employ such additional clerical and office help as may be absolutely necessary for the performance of his official duty at a salary not to exceed five dollars per day each, and not exceeding a total sum of three thousand dollars per annum; such salaries to be paid at the times and in the manner and out of the same fund as the assessor's salary is paid. The changes herein provided for shall not become effective until January 1, 1926. It is hereby found as a fact that the changes provided for in this section do not work an increase in compensation of the assessor, and it is intended that after January 1, 1926, the same shall apply to the present incumbents.

Attorney.

8. The district attorney, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be one deputy district attorney at a salary of two thousand four hundred dollars per annum, and one deputy district attorney at a salary of two thousand one hundred dollars per annum to be paid in equal monthly installments by the county. In addition, the district attorney shall be allowed one stenographer who shall be paid a salary of one thousand five hun-

dred dollars per annum, to be paid in equal monthly installments by the county.

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, three 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 one thousand dollars in any one year. He shall receive five dollars per day for his services while serving as secretary of the board of education. The superintendent of schools shall be allowed one deputy, to be appointed by the principal, who shall receive as salary two thousand dollars per annum; also, one deputy, who shall receive a salary of one thousand five hundred dollars per annum; one deputy for not exceeding three months in each year, at a salary of one hundred dollars per month; said salaries of deputies to be paid in equal monthly installments, at the same time in the same manner, and out of the same fund as the salary of the superintendent of schools is paid. Supt. 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 county surveyor at a salary of two thousand four hundred dollars per annum, and one draftsman at a salary of two thousand one hundred dollars per annum, said deputy and draftsman to be appointed by the principal and paid at the same time and in the same manner as the county surveyor. It shall be the duty of the surveyor, among other things, to make all necessary county and road maps, and all necessary plans and specifications for bridge work and county buildings; also, to prepare all maps or plats necessary to accompany reports made by him on road work, and prepare and keep all the necessary and proper records in his office; *provided*, he shall receive nothing for preparing any map or plat necessary to accompany reports made by him on road work, nor for preparing and keeping the proper records in his office. He shall at all times be subject to the orders of the board of supervisors. The office of the county surveyor shall be kept open for the accommodation of the public, with the surveyor, a deputy, or a competent clerk in charge from nine o'clock a.m. until five o'clock p.m., the same as other county offices. The county surveyor shall be allowed the services of a competent clerk, to be appointed by the principal, and receive a salary of one thousand two hundred dollars per annum, to be paid out of the same fund, at the same time and in the same manner as other county officers are paid. Such compensation and salaries as above set forth shall be in full for all services as such county surveyor, and all fees and compensation received or collected by him for services other than for the county, shall Surveyor.

be paid into the county treasury. In counties of this class, the surveyor shall be allowed and may employ such additional assistance as may be absolutely necessary for the performance of his official duties, except with regard to roads, at a salary not to exceed five dollars per day each and their actual and necessary expenses incurred in connection with field work, said salary not to exceed a total sum of one thousand dollars, and to be paid at the times and in the manner and out of the same fund as the salary of the surveyor is paid. It is hereby found as a fact that the changes provided for in this section do not work an increase in compensation and it is intended that the same shall apply immediately to the present incumbents.

Classification
of town-
ships.

13. For the purpose of regulating the compensation of justices of the peace and constables, townships of this class of counties are hereby classified according to their population, as shown by the total number of registered voters, in each township, at the next preceding general election, prior to the fixing of the classification, the said population to be determined by multiplying the said total number of registered voters by three and one-half; townships having a population of fifteen thousand and more shall belong to and be known as townships of the first class; townships having a population of eight thousand and less than fifteen thousand shall belong to and be known as townships of the second class; townships having a population of three thousand and less than eight thousand shall belong to and be known as townships of the third class; townships having a population of one thousand and less than three thousand shall belong to and be known as townships of the fourth class; townships having a population of less than one thousand shall belong to and be known as townships of the fifth class; *provided*, that the board of supervisors of the county may, prior to any general election, consolidate two or more of such townships into one.

Justices of
the peace.

13a. Justices of the peace shall receive the following monthly salaries, to be paid each month as county officers are paid, which shall be in full compensation for all services rendered by them. to wit: In townships of the first class, one hundred seventy-five dollars per month; *provided*, in townships of this class the justice of the peace shall be allowed a clerk, which position is hereby created. Such clerk shall be appointed by the justice of the peace of said township and shall hold office during the pleasure of said justice of the peace. He shall have authority to receive and file all pleadings and other papers to be filed; sign and issue summons and process, including writs of attachment and execution; enter satisfaction of judgments; issue transcripts and abstracts thereof and shall have authority to administer and certify oaths and take and certify affidavits in any action, suit or proceedings in said justice's court.

The clerk shall be in attendance on the court in the court room of said justice's court for the dispatch of official busi-

ness, daily, legal holidays excepted, from the hour of nine o'clock a.m. until five o'clock p.m. of each day.

Such clerk shall receive a salary of one hundred dollars per month, payable monthly in the same manner as salaries of county officers are paid.

In townships of the second class, one hundred dollars per month; in townships of the third class, seventy-five dollars per month; in townships of the fourth class, thirty dollars per month; in townships of the fifth class, twenty dollars per month. Each justice must pay into the county treasury once a month all fees and fines collected by him. Justices of the peace of the first class are required to keep their offices open from nine o'clock a.m. until five o'clock p.m. In townships of the first, second and third classes the board of supervisors shall furnish adequate office room, in all other townships all justices shall be allowed not to exceed five dollars per month for office rent. These salaries shall also apply to incumbents.

14. Constables shall receive the following monthly salaries, to be paid each month as the county officers are paid, which shall be in full compensation for all services rendered by them in criminal cases, to wit: In townships of the first class, one hundred twenty-five dollars; in townships of the second class, one hundred dollars; in townships of the third class, eighty dollars; in townships of the fourth class, sixty dollars; in townships of the fifth class, forty dollars. In addition to the monthly salaries herein allowed, each constable may receive and retain for his own use, such fees as are now allowed or may hereafter be allowed by law, for all services rendered by him in civil actions, and shall also be allowed all necessary expenses actually incurred in arresting and conveying prisoners to court or to prison, which expenses shall be audited and allowed by the board of supervisors, and paid out of the county treasury; *provided, further*, that when a constable is required to go out of his own county to serve a warrant of arrest or any other papers in a criminal case, he shall be allowed all necessary expenses actually incurred in arresting and conveying prisoners to court or to prison, which expenses shall be audited by the board of supervisors. These salaries shall also apply to incumbents.

Constables.

15. Supervisors shall receive the sum of two thousand one hundred dollars per annum, each, and mileage at the rate of ten cents per mile for each mile traveled in coming to and from the meetings of the board; *provided*, that only one mileage at any one session of the board shall be allowed. They shall act as road commissioners in their respective districts. It is hereby found as a fact that the change in compensation hereby made does not work an increase in compensation and it is intended that the same shall apply immediately to the present incumbents.

Supervisors.

15½. The librarian shall receive two thousand one hundred dollars per annum; *provided*, that when the county librarian also acts as city librarian that he may receive additional com-

Librarian.

pensation from said city for which he acts as city librarian. It is hereby found as a fact that the changes provided for in this section do not work an increase in compensation and it is intended that the same shall apply immediately to the present incumbents.

Witnesses. 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.

Jurors. 17. Jurors in a county of this class, both grand and petit 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 and returning the sum of ten cents per mile, such mileage to be allowed but once during each session such jurors are required to attend. The court shall make an order directing the auditor to draw his warrant on the county treasury for the amount due, and the treasurer shall pay the same.

Traffic officer. 18. The traffic officer shall receive a salary of two thousand four hundred dollars per year, said officer to provide and maintain his equipment and all costs of operating thereof.

The traffic officer shall be allowed not to exceed four deputies. Each of such deputies shall receive a salary of one hundred seventy-five dollars a month, and shall provide and maintain his equipment and all costs of operating the same.

Such traffic officer and his deputies shall be appointed by the board of supervisors, and shall hold office for the period provided by law; *provided, however*, that the board of supervisors shall have authority at any time to remove such officer, or any of said deputies.

Effective. This act shall go into effect immediately, and apply to all present incumbents, except as herein expressly provided and excepted.

CHAPTER 423.

An act to authorize the city of Riverside to sell certain lands dedicated for park purposes and to devote the proceeds thereof to the improvement of parks now existing in said city.

[Approved by the Governor May 23, 1925.]

The people of the State of California do enact as follows:

Riverside
may sell
certain
lands.

SECTION 1. The city of Riverside, a municipal corporation of the State of California, organized and existing by virtue of a special charter approved March 5, 1907, is hereby authorized to sell and dispose of certain pieces or parcels of land situated in said city and hereinafter described, which said premises

were dedicated to the public for park purposes by ordinance number two hundred forty-one of said city, passed October 12, 1897, as a part of a larger tract of land which has been improved and is now known as Fairmount park, but which said premises herein described are separated from said park by a rocky hill formerly used for quarry purposes and can not be connected with said park in a practical manner; *provided*, that the proceeds derived from the sale of said premises be devoted by the city of Riverside to the improvement and development of other public park property in said city, and all proceeds from such sale shall be placed in a special fund by the city treasurer and expended only for said purposes.

The premises hereinbefore referred to and the authority to sell and dispose of which is hereby granted are situated in the city of Riverside, county of Riverside, State of California, and particularly described as follows: All those portions of lots nineteen (19) and twenty (20), of the Southern California Colony Association lauds as shown on map of record in the county recorder's office of San Bernardino county, California, which are included in block nine of Fairmount heights tract, map number four, of record in book one of maps, page five thereof, records of San Bernardino county, California.

CHAPTER 424.

An act amending section nine of the "cold storage act," approved June 13, 1913, as amended.

[Approved by the Governor May 23, 1925.]

The people of the State of California do enact as follows:

SECTION 1. Section nine of the "California cold storage act" is hereby amended to read as follows:

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 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.

The state board of health, may, in lieu of the provisions of the first paragraph of this section, for the purpose of securing proper enforcement of this act, establish quality grades or standards to govern the sale of articles of food which have been cold stored, in which event it shall be unlawful to sell, or to offer or expose for sale, any such uncooked articles of food which have been cold stored, without notifying by suitable sign or label, persons purchasing or intending to purchase the same of the exact grade or quality of such articles of food, according to said standards prescribed by the state board of health.

Stats. 1913,
p. 771,
amended.

Sale of
uncooked
cold storage
food.

CHAPTER 425.

An act to promote the development of the California egg industry, to prohibit the sale of eggs unfit for human food, to prevent deception in the sale of eggs, to protect the consuming public in the matter of quality and weight, and to encourage greater consumption of eggs by regulating and standardizing the grading, classification, and labeling of all eggs displayed for sale; providing penalties for the violation of the provisions of this act, and repealing all acts and parts of acts in conflict herewith.

[Approved by the Governor May 23, 1925.]

The people of the State of California do enact as follows:

Sale of
bad eggs.

SECTION 1. No person shall sell, or offer to sell, or expose for sale, any eggs unfit for human food unless the same are broken in shell and then denatured so that they can not be used for human food. For the purposes of this act an egg shall be deemed unfit for human food if it be addled or moldy; if it contains black spot, black rot, white rot, or blood ring; if it has an adherent yolk or a bloody or green white (albumen); or if it consist in whole or in part of a filthy, decomposed or putrid substance.

Words and
phrases
defined.

SEC. 2. Unless the context otherwise requires, the words and phrases employed in this act shall have the meanings hereinafter defined:

(a) "Addled" or "white rot" means an egg which is putrid or rotten.

(b) "Moldy" means an egg in which mold has developed inside the shell.

(c) "Black spot" means an egg in which molds or bacteria have developed in isolated areas inside the shell.

(d) "Black rot" means an egg which has deteriorated to such an extent that the whole interior presents a blackened appearance before the candle.

(e) "Blood ring" means an egg which contains blood.

(f) "Adherent yolk" means an egg in which the yolk has settled to one side and become fastened to the shell.

(g) "Retailer" means any person, firm, or corporation or association which sells eggs to a consumer.

(h) "Consumer" means any person purchasing eggs for his or her own family use or consumption, or a restaurant, hotel, boarding house, bakery or other institution purchasing eggs for serving to guests or patrons, or for its or their use in cooking or baking.

(i) "Person" means any individual, firm, corporation, or association.

(j) "Eggs" mean: (1) eggs in the shell; (2) liquid, frozen or dried whole egg meats, whites of eggs or egg yolks.

Enforcement
of act.

SEC. 3. The state board of health is hereby empowered through its authorized agents, deputies and inspectors to enforce this act and shall have supervision and control over

all enforcement officers of this act in the State of California, and all sheriffs shall be ex officio officers of the state board of health for the purpose of enforcing this act.

SEC 4. It shall be the duty of the state board of health to establish forthwith, and from time to time, specific grades or standards of quality and size or weight to govern the sale of eggs for human consumption, as permitted by this act, and to make rules and regulations for carrying out all its provisions, *provided, however*, that such grades or standards or quality shall not permit the sale of any eggs of poorer quality than permitted by the grading standards established from time to time by the United States department of agriculture, bureau of agricultural economics. All rules, regulations and standards of quality and weight, and supplementary changes therein as provided by this section, shall be filed in the office of the state board of health and shall be in effect sixty days after such filing.

Grading standards and regulations.

SEC 5. It shall be unlawful for any person to sell, or offer to sell or expose for sale to a consumer, any eggs other than those of his own production intended for human consumption without notifying by suitable sign or label the person or persons purchasing or intending to purchase the same of the exact grade or quality and the size or weight of such eggs, according to the standards prescribed by the state board of health.

Notice of grade and size

SEC. 6. Every person, in selling eggs to a retailer, shall furnish to said retailer an invoice showing the exact grade or quality and the size or weight of such eggs according to the standards prescribed by the state board of health. A copy of such invoice shall be kept on file by the person selling and by the retailer at their respective places of business for a period of thirty days, and shall be available for inspection at all reasonable times by accredited inspectors or representatives of the state board of health.

Seller's invoice

SEC 7. No retailer shall be prosecuted under the provisions of this act when he can establish a guaranty from the person from whom any eggs are purchased, to the effect that said eggs at the time of such purchase conformed to the grade or quality and the size or weight as stated in the invoice; *provided*, said eggs had been labeled by the retailer for resale in accordance with the purchase invoice; *and provided, further*, that said guaranty shall not exempt from prosecution any retailer who may have kept the eggs, covered by said guaranty for such time after their purchase or under such conditions as to cause said eggs to deteriorate into a lower grade or standard.

Effect of guaranty.

SEC. 8. Every person who violates any of the provisions of this act shall be guilty of a misdemeanor and upon conviction for the first offense shall be punished by a fine of not less than ten dollars (\$10) nor more than one hundred dollars (\$100); for the second offense a fine of not less than fifty dollars (\$50) nor more than two hundred dollars (\$200); for

Penalties.

the third and subsequent offense by a fine of not less than one hundred dollars (\$100) nor more than three hundred dollars (\$300) or by imprisonment in the county jail for not less than thirty (30) days nor more than ninety (90) days. All fines collected for violation of this act shall be paid to the county treasurer of the proper county, who shall remit the same to the state treasurer of the State of California and said moneys shall be placed to the credit of the general fund for enforcement of this act, the same to become immediately available, and to be paid out upon the presentment of vouchers issued by the secretary of the state board of health.

Effect of
act.

SEC. 9. This act and each section and subsection thereof shall take precedence over all acts and parts of acts at variance or conflicting herewith in the matter of quality standards, grading, classification and labeling of eggs intended for human food.

CHAPTER 426.

An act to repeal section six hundred thirty-six c of the Penal Code, relating to the protection of fish and game.

[Approved by the Governor May 23, 1925.]

The people of the State of California do enact as follows:

Repealed.

SECTION 1. Section six hundred thirty-six c of the Penal Code is hereby repealed.

CHAPTER 427.

An act to amend section four thousand two hundred forty-three of the Political Code, relating to the salaries of county and township officers and their deputies in counties of the fourteenth class, and fixing their mileage and per diem of grand and trial jurors in such counties.

[Approved by the Governor May 23, 1925.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred forty-three of the Political Code is hereby amended to read as follows:

Counties of
14th class
salaries and
fees of
officers

4243. In counties of the fourteenth class the county officers shall receive as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

Clerk

1. The county clerk, two thousand seven hundred dollars per annum and such fees as are allowed by law, including the fees which have been and are now allowed said clerk by the United States bureau of naturalization; *provided*, that he shall appoint one chief deputy at a salary of two thousand dollars per annum, two courtroom deputies at a salary of one thousand eight hundred dollars per annum each, one office deputy at a salary of one thousand eight hundred

dollars per annum and one office deputy at a salary of one thousand five hundred dollars per annum, and one copyist at a salary of one thousand two hundred dollars per annum, whose duty it shall be to act as copyist for the county clerk as such, as well as for the clerk as ex officio clerk of the board of supervisors and do copying work when required by the board of supervisors; and deputy clerks not to exceed three in number for the purpose of registering electors in the office of the county clerk, to be paid at not to exceed seventy-five dollars per month each; *provided*, that such deputies so employed for registering electors shall not be employed except during a year when a general election is held throughout the state and said deputies shall be employed only between the first day of January and the first day of December of such years; one or more deputies for the purpose of registering electors in said years, who shall receive a compensation of ten cents for each elector legally registered by them, and shall receive no other compensation or expenses. Each of said deputies to be paid at the same time and in the same manner as county officers are paid.

2. The sheriff, two thousand five hundred dollars per annum; *provided*, he shall appoint one undersheriff at a salary of two thousand four hundred dollars per annum and six deputy sheriffs at a salary of one thousand eight hundred dollars per annum each; three deputies to be paid only for six months of each year at a salary of one hundred twenty-five dollars each per month; a person to act as matron of the county jail at a salary of one hundred dollars per month and one stenographer at one hundred dollars per month. Said undersheriff and each of said deputies and assistants shall be paid at the same time and in the same manner as county officers are paid. The sheriff shall also receive such fees as are allowed sheriffs by section four thousand three hundred b of the Political Code of the State of California, except that for traveling in the service of any paper required by law to be served, in either civil or criminal process or proceeding for each mile actually and necessarily traveled, one way only, twenty cents. No constructive mileage to be allowed.

3. The recorder, two thousand seven hundred dollars per annum; *provided*, that the recorder shall appoint one chief deputy at a salary of one thousand eight hundred dollars per annum, one deputy at a salary of one thousand five hundred dollars, four copyists at a salary of one thousand eighty dollars each per annum, to be paid at the same time and in the same manner as county officers are paid.

4. The auditor, two thousand seven hundred dollars per annum; *provided*, that the expenses incurred, if any, in making extensions of assessments and tax rolls shall be paid out of said sum of two thousand seven hundred dollars, compensation above mentioned; *and provided, further*, that said auditor shall appoint one chief deputy at a salary of one thousand eight hundred dollars per annum and three

deputies at a salary of one thousand three hundred twenty dollars each per annum.

Treasurer.

5. The treasurer, two thousand five hundred eighty dollars per annum, and such fees as are now or may hereafter be allowed by law; *provided*, that the treasurer shall appoint one deputy at a salary of one thousand five hundred dollars per annum, to be paid at the same time and in the same manner as county officers are paid.

Tax collector.

6. The tax collector, three thousand dollars per annum; *provided*, that said tax collector shall appoint one revenue and taxation deputy at a salary of one thousand eight hundred dollars per annum; *and provided, further*, that he shall be allowed additional help to be employed by him when needed, at an expense of not to exceed the sum of two thousand dollars in any one year, to be paid at the same time and in the same manner as county officers are paid.

Assessor.

7. The assessor, three thousand dollars per annum; *provided*, that the assessor shall appoint one assistant assessor at a salary of two thousand dollars per annum, one chief deputy at a salary of one thousand eight hundred dollars per annum and one title transfer deputy at a salary of one thousand three hundred twenty dollars per annum, one draftsman at a salary of one thousand three hundred twenty dollars per annum, one property ownership deputy at a salary of one thousand three hundred twenty dollars per annum, and one office deputy at a salary of one thousand three hundred twenty dollars per annum. The salaries of which deputies shall be paid in the same manner and at the same time and from the same funds as county officers are paid. The assessor may also appoint as many deputies as may be necessary to carry on his work at an expense to the county not to exceed four thousand dollars during any fiscal year. The salaries of which last named deputies shall be paid at the same time and in the same manner and from the same fund as the assessor is paid. The amount of each of which payments shall be determined by the auditor from a certificate furnished by the assessor showing the person and amount to which payments are due and the period of time for which compensation is made, or, the salaries of said deputies may be paid by claim presented to the board of supervisors in regular form and approved by the assessor, the total amount of which claims, however, shall not exceed the sum of four thousand dollars above mentioned, for any one fiscal year. The assessor shall also receive six per cent of the personal property tax collected by him and the amount allowed by law for making out the military roll.

Attorney.

8. The district attorney; three thousand dollars per annum; *provided*, that he shall appoint one assistant district attorney at a salary of two thousand four hundred dollars per annum, and one deputy district attorney at a salary of one thousand eight hundred dollars per annum, and one stenographer at a salary of one thousand two hundred dollars per

annum, and one county detective, which office is hereby created, said detective shall have all the powers of a peace officer as set forth in sections eight hundred thirty-four and eight hundred thirty-six of the Penal Code, and 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, and whose salary is hereby fixed at the sum of six dollars per day when employed but not to exceed one hundred eighty dollars per month.

The salaries of said assistant, deputy, stenographer, and detective shall be paid at the same time and in the same manner as county officers are paid.

9. The coroner, such fees as are now or may be hereafter allowed by law; *provided*, that the coroner shall appoint one stenographer at a salary of six hundred dollars per annum, to be paid at the same time and in the same manner as county officers are paid. Coroner.

10. The public administrator, such fees as are now or may be hereafter allowed by law. Public administrator.

11. The superintendent of schools, three thousand dollars per annum, and actual traveling expenses when visiting schools of his county; *provided*, such superintendent of schools may appoint an assistant superintendent of schools at a salary of one thousand eight hundred dollars per annum, one deputy at a salary of one thousand two hundred dollars per annum, and one deputy at a salary of one thousand two hundred dollars per annum, payable at the same time and in the same manner as county officers are paid. Supt. of schools.

12. The surveyor, two thousand seven hundred dollars per annum for all work performed for the county; *provided*, that out of the compensation hereinabove provided he shall pay the cost of platting, tracing or otherwise preparing maps, plats or block books for the use of the county assessor; *provided, further*, that all property ownership books, data, and transcript records required for making such maps, plats, or block books shall be procured at the expense of the county in such manner and by such persons as the board of supervisors may direct. The surveyor shall devote his entire time to the duties of his office. And it shall be his duty to prepare and furnish all necessary plans and specifications for all bridges and bridge work, in addition to his other duties, without extra compensation. He shall appoint a deputy at a salary of one thousand eight hundred dollars per annum, payable at the same time and in the same manner as county officers are paid; *provided, further*, that the county surveyor may employ field engineers at the compensation of seven dollars per day, and chainmen at the rate of five dollars per day, when so employed. Such salaries of field engineers and chainmen shall be paid by the board of supervisors upon claims duly presented therefor. Surveyor.

13. The justices of the peace, the following monthly salaries, to be paid each month as the salaries of county officers are Justices of the peace.

paid, which shall be in full for all services rendered by them in criminal cases.

In townships having a population of fifteen thousand or more, two hundred dollars per month;

In townships having a population of over eight thousand and less than fifteen thousand, one hundred fifteen dollars per month;

In townships having a population of six thousand and less than eight thousand, seventy-five dollars per month;

In townships having a population of four thousand and less than six thousand, fifty-five dollars per month;

In townships having a population of two thousand and less than four thousand, forty dollars per month;

In townships having a population of one thousand and less than two thousand, thirty dollars per month;

In townships having a population of less than one thousand, twenty dollars per month;

In townships having a population of less than nine hundred fifteen dollars per month.

Each justice of the peace must pay into the county treasury once a month all fines collected by him; *and provided, further*, that for the purposes of this subdivision the population of the several townships shall be ascertained from the United States census reports of 1920.

Constables.

14. In townships having a population of fifteen thousand or more, constables shall receive as compensation in lieu of all fees in criminal cases, the sum of one hundred twenty-five dollars per month; in townships having a population of eight thousand and less than fifteen thousand, the sum of eighty-five dollars per month; in townships having a population of six thousand and less than eight thousand, the sum of fifty dollars per month; in townships having a population of four thousand and less than six thousand, twenty-five dollars per month; in townships having a population of one thousand five hundred and less than four thousand, fifteen dollars per month; in townships having a population of one thousand and less than one thousand five hundred, ten dollars per month; in townships having a population of less than one thousand, five dollars per month; *provided*, that in addition to the fees and salaries herein allowed, each constable shall receive for traveling expenses outside of his own township, but within his own county, for the service of a civil or criminal process, the sum of fifteen cents per mile for each mile actually and necessarily traveled, one way only, no constructive mileage to be allowed; *and provided, further*, that such salaries for services in criminal cases shall be paid at the same time and in the same manner as the salaries of county officers are paid; *and provided, further*, that in addition to the salaries provided herein, constables in all townships shall receive for their own use the fees which are now or may hereafter be allowed by law in civil cases; *and provided, further*, that for the purposes of this subdivision, the population of the several townships shall be ascertained from the United States census report of 1920.

15. Each member of the board of supervisors for all ^{Supervisors.} services required of them by law, or by virtue of their office, except as road commissioners, shall be allowed one thousand two hundred dollars per annum as a salary, and fifteen cents per mile in traveling to and from his place of residence to the courthouse; *provided*, that only one mileage must be allowed at each term; *and provided, further*, that said salary and mileage shall be in lieu of all fees otherwise provided by law for supervisors. Each supervisor shall receive for services as road commissioner, thirty cents per mile one way for all distances actually traveled by him in the performance of his duties; *provided*, that he shall not in any one year receive more than six hundred dollars as such road commissioner; *provided*, that no member of the board of supervisors or other county officer, shall, except for his own services or expenses, present or verify by his oath attached thereto, any claim, account, or demand for allowance against the county.

16. All salaries herein not otherwise provided for shall be ^{Payment of salaries.} paid out of the treasury of said county in equal monthly payments on the last day of each month.

17. The fees for jurors in counties of this class shall be as ^{Jurors.} follows: For attending as a grand juror or juror in the superior court, for each day's attendance, while serving as such juror, per day, three dollars; for each day's attendance when not selected to serve, two dollars. For attending justice's court, for each juror sworn to try the cause, per day, in civil cases, only, one dollar and fifty cents. A juror excused at his own request shall not be entitled to a per diem fee. For each mile actually and necessarily traveled in attending court as a juror, except in criminal cases in justice's court, for which no allowance shall be made, in going only, per mile, fifteen cents.

CHAPTER 428.

An act to regulate the conduct of canneries, to create a division of cannery inspection to carry on such regulation, to provide rules regulating the proper sanitation of canneries, under the state board of health.

[Approved by the Governor May 23, 1925.]

The people of the State of California do enact as follows:

SECTION 1. It shall be unlawful for any person, firm, company, organization, association or corporation in the State of California, to engage in the commercial canning of any agricultural food products, the sterilization of which in the opinion of the California state board of health requires the use of a pressure cooker, without first obtaining a license from the said state board of health. ^{Pressure cooker licenses required.}

SEC. 2. The said state board of health shall issue to any ^{Fees to be collected and disposition thereof.} person, firm, company, organization, association or corporation in the State of California, an annual license on the receipt of

ten (10) dollars per annum, per plant, and such evidence as the board may require to show that the said person, firm, company, organization, association or corporation is properly equipped to carry out such rules and regulations as the state board of health may adopt for the sterilization of such agricultural food products. All moneys received by the state board of health for fees shall be deposited at least once each month in the state treasury to the credit of the cannery inspection fund, which fund is hereby created to be used exclusively for the payment of the expenses of enforcing the provisions of this act, and to be paid out only upon claims approved by the said state board of health and the state board of control in the manner provided for by law. One thousand dollars of the cannery inspection fund may be used as a revolving fund for the purposes of carrying out the provisions of this act.

Inspectors
and other
employees.

SEC. 3. For the purpose of enforcing the rules and regulations of the state board of health and the provisions of the pure foods act relating to the canning of such agricultural food products, the state board of health shall appoint a chief cannery inspector, and such additional inspectors and clerical assistance as it may deem necessary for the enforcement of its rules and regulations.

Maintenance
by interested
parties.

SEC. 4. Said board of health shall have power to receive and accept at any time by gift, donation, contribution or bequest money to be used for the purpose of making or causing to be made the examinations and inspections herein provided for, and all money so received shall be deposited by the said state board of health in the state treasury to the credit of the cannery inspection fund hereinbefore created to be used for carrying out the purposes and provisions of this act.

Statements
on con-
tainers.

SEC. 5. It shall be unlawful for any person, firm, company, organization or association or corporation to place upon the label of any bottle, can, jar, carton, case, box or barrel, or any receptacle, vessel or container of whatever material or nature which may be used by a packer, manufacturer, producer, jobber or dealer for enclosing any such canned agricultural food products, any statement relative to the product having been inspected, unless such statement has been approved, officially in writing, by the state board of health. Said approval shall be revocable at any time at the discretion of the state board of health upon official written notice.

Penalty.

SEC. 6. Any person, firm, company, organization, association or corporation, which does not obtain a license of the conduct of its plant or plants under the provisions of this act, or which violates section five 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, or more than five hundred (500) dollars, or shall be imprisoned in the county jail for a term not exceeding six months.

SEC. 7. It shall be the duty of the district attorney of the county, or city and county, in which any violation of this act may occur, to prosecute every person, firm, company, organization or corporation accused of such violation. Prosecutions.

SEC. 8. No act which is made unlawful by any provision of an act of the legislature of the State of California, entitled "An act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors and regulating the traffic therein, providing penalties, establishing a state laboratory for foods, liquors and drugs and making an appropriation therefor," approved March 11, 1907, or any amendment thereto, shall be deemed lawful by reason of any provision of this act. Effect of act.

SEC. 9. 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.

CHAPTER 429.

An act to amend section six hundred thirty-seven a of the Penal Code of the State of California, relating to the protection of fish and game.

[Approved by the Governor May 23, 1925.]

The people of the State of California do enact as follows:

SECTION 1. Section six hundred thirty-seven a of the Penal Code of the State of California, relating to the protection of fish and game, is hereby amended to read as follows:

637a. Every person in the State of California who shall at any time kill or catch, or have in his possession, living or dead, any wild bird other than a game bird, or who shall purchase, offer or expose for sale, transport or ship within or out of the state, any such wild bird after it has been killed or caught, except as permitted by this act, shall be guilty of a misdemeanor. No part of the plumage, skin or body of any bird protected by this section shall be sold or had in possession for sale, irrespective of whether said bird was captured or killed within or without the state. Protection of wild birds.

For the purpose of this act the following only shall be considered game birds: The Anatidae, commonly known as swans, geese, brant and river and sea ducks; the Hallidae, commonly known as rails, coots and gallinules; the Limicolae, commonly known as shore birds, plover, surf birds, snipe, sandpipers, tattlers and curlews; the Gallinae, commonly known as wild turkeys, grouse, prairie chicken, pheasants, partridges, and quails; and the species of Columbidae, known Game birds enumerated.

as wild pigeons and doves. All other species of wild birds either resident or migratory shall be considered nongame birds; *provided*, that the English or European house sparrow, the great horned owl, sharp-shinned hawk, Cooper's hawk, duck hawk, butcher bird, white pelican, shag or cormorant, blue jay, housefinch, commonly known as the California linnnet, are not included among the birds protected by this act;

Exceptions.

And provided, further, that in fish and game district one, in fish and game district two, in fish and game district three, in fish and game district four and in fish and game district four and three-quarters the blackbird is not included among the birds protected by this act;

Provided, further, that nothing in this section shall prohibit the killing of a robin, or other wild bird by the owner or tenant of any premises where such bird is found destroying berries, fruit, or crops growing on such premises, but the birds so killed shall not be shipped or sold;

And nothing in this act shall prevent a citizen of California from taking or keeping any wild nongame bird as a domestic pet if such bird shall not be sold or offered for sale, or transported out of the state, a permit to keep the same having first been obtained from the state board of fish and game commissioners.

CHAPTER 430.

An act authorizing the creation of a debt or debts, liability or liabilities, through the issuance and sale of state bonds, for the single object of creating a fund to provide farm and home aid for veterans in accordance with the provisions of the veterans' farm and home purchase act, approved May 30, 1921, and of any and all acts amendatory thereof or supplemental thereto; creating a veterans' welfare finance committee; defining the powers and duties of said committee and of the veterans welfare board and other state offices in respect to the administration of the provisions hereof; providing ways and means, exclusive of loans, for the payment of the interest of such debt or debts, liability or liabilities, as such interest falls due, and also for the payment and discharge of the principal of such debt or debts, liability or liabilities, as such principal matures; appropriating money for the expense of preparing and of advertising the sale of bonds herein authorized to be issued; and providing for the submission of this act to a vote of the people at the general election to be held in the month of November, one thousand nine hundred twenty-six.

[Approved by the Governor May 23, 1925.]

The people of the State of California do enact as follows:

**Debts and
liabilities
authorized.**

SECTION 1. For the purpose of creating a fund to provide farm and home aid for veterans in accordance with the pro-

visions of the veterans' farm and home purchase act approved May 30, 1921, and of any and all acts amendatory of or supplemental to said act, the veterans' welfare finance committee created by this act shall be and it hereby is authorized and empowered to create a debt or debts, liability or liabilities, of the State of California, in the manner and to the extent hereinafter provided, but not otherwise, nor in excess thereof.

SEC. 2. After the issuance of the proclamation of the governor, provided for in section sixteen of this act, and immediately after adoption of any resolution by the veterans' welfare finance committee hereby created, provided for in section eleven of this act, the state treasurer shall prepare the requisite number of suitable bonds of the denomination of one thousand dollars in accordance with the specifications contained in such resolution. The aggregate par value of all bonds issued under this act shall not exceed the sum of twenty million dollars, and the bonds issued under any such resolution shall bear interest from the date of issuance of said bonds to the date of maturity thereof, at a rate to be determined by the said veterans' welfare finance committee and specified in such resolution, but in no case exceeding six per cent per annum. Both principal and interest shall be payable in gold coin of the United States, of the present standard of value, at the office of the state treasurer, or at the office of any duly authorized agent of the state treasurer, and shall be so payable at the times specified in said resolution or resolutions.

Issuance of
bonds.

All bonds issued under this act shall bear the facsimile signature of the governor and the facsimile countersignature of the controller and shall be endorsed by the state treasurer by original signature and the said bonds shall be signed, countersigned and endorsed by the officers who shall be in office on the date of issuance thereof, and each of said bonds shall bear an impress of the great seal of the State of California. The said bonds so signed, countersigned, endorsed and sealed, when sold, shall be and constitute a valid and binding obligation upon the State of California, although the sale thereof be made at a date or dates upon which the officers having signed, countersigned and endorsed said bonds, or any or either of said officers, shall have ceased to be the incumbents of the offices held by them at the time of signing, countersigning, or endorsing said bonds. Each bond issued under this act shall contain a clause or clauses stating that interest shall cease to accrue thereon from and after the date of maturity thereof and referring to this act and to the resolution of the veterans' welfare finance committee hereunder by virtue of which said bond is issued.

SEC. 3. The requisite number of suitable interest coupons, appropriately numbered, shall be attached to each bond issued under this act. Said interest coupons shall bear the facsimile signature of the state treasurer who shall be in office on the date of issuance of the bond to which said coupons pertain.

Interest
coupons.

Maturity,
payment and
cancellation
of bonds.

SEC. 4. All bonds issued under this act and sold shall be deemed to have been called in at their respective dates of maturity and the state treasurer shall, on the respective dates of maturity of said bonds, or as soon thereafter as said matured bonds are surrendered to him, pay the same out of the proceeds of the controller's warrants drawn in his favor as provided in section five hereof and perforate the bonds so paid with a suitable device in a manner to indicate such payment and the date thereof. He shall also, on the said respective dates of maturity, cancel all bonds bearing said dates of maturity and remaining unsold, by perforation with a suitable device in a manner to indicate such cancellation and the date thereof. The provisions of this section shall be applicable also to the interest coupons pertaining to the bonds authorized by this act to be issued, and shall be applicable, as far as practicable, to any duly authorized agent of the state treasurer.

Annual ap-
propriation.

SEC. 5. 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.

Collection of
revenue.

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 collections of said revenue, to do and perform each and every act which shall be necessary to collect such additional sum.

Transfer
of funds.

On the several dates of maturity of said principal and interest in each fiscal year, there shall be returned into the general fund in the state treasury, all of the moneys in the specific fund into which the proceeds from the sale of the said bonds have been covered as herein prescribed, not in excess of the principal of and interest on the said bonds then due and payable and, in the event of such moneys so returned on said dates of maturity being less than the said principal and interest then due and payable, then the balance remaining unpaid shall be returned into the general fund in the state treasury out of said specific fund as soon thereafter as it shall become available, together with interest thereon, from such dates of maturity until so returned, at the rate of five per cent per annum, compounded semiannually.

Issuance
of
warrants.

Both principal and interest of said bonds shall be paid when due upon warrants duly drawn against said appropriation from the general fund by the controller of the state in favor of the state treasurer or in favor of any duly authorized agent of the state treasurer, upon demands audited by the state board of control, and the moneys to be returned into the general fund in the state treasury pursuant to the provisions of this section shall likewise be paid as herein pro-

vided upon warrants duly drawn by the controller of the state upon demands duly audited by the state board of control.

SEC. 6. The sum of thirty-five thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the expenses that may be incurred by the state treasurer in having said bonds prepared and in advertising their sale. Said amount shall be refunded to the general fund in the state treasury out of the specific funds into which the proceeds from the sale of said bonds shall be respectively covered in accordance with the provisions of this act on controller's warrant duly drawn for that purpose.

Appropriation for preparing and advertising bonds.

SEC. 7. When the bonds authorized to be issued under this 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 the 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 veterans' welfare board and approved by the governor of the state, 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 with the approval of the governor, he may from time to time, 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 day fixed for such sale.

Sale of bonds.

SEC. 8. 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 may give such further notice as he may deem advisable, but the expense and cost of such additional notice shall not exceed the sum of five hundred dollars for each sale so advertised. The proceeds of the sale of such bonds and such amount as may have been paid as accrued interest thereon shall be forthwith paid over by said treasurer into the veterans' farm and home building fund and must be used exclusively in aiding veterans in the acquisition of, or payments for, farms and homes, in accordance with the provisions of the veterans' farm and home purchase act, and of any and all acts amendatory or supplemental to said act; *provided*, that the state veterans' welfare board must pay over to the general fund of the state from the proceeds of the sale of the bonds all money which has been

Notices of sales.

Disposition of proceeds.

appropriated subsequent to December 31, 1924, or which may be hereafter appropriated and advanced out of the state treasury for the use of the said veterans' welfare board on condition that it shall be so paid over; *provided*, that the proceeds from the sale of said bonds may be used to pay the debt created by the issuance and sale thereof.

Use of
surplus
funds.

SEC. 9. The veterans' welfare board shall be and hereby is authorized, with the approval of the state board of control, to invest any surplus moneys in any of the funds subject to or appropriated for its use in bonds of the United States, or of the State of California, or of the several counties or municipalities or other political subdivisions of the State of California, and to sell such bonds, or any of them, at the governing market rates, upon approval of the state board of control; *provided, however*, that nothing herein contained shall inhibit or be construed to inhibit the depositing in banks in accordance with the provisions of an act entitled "An act to authorize and control the depositing in banks of moneys belonging to or in the custody of the state and to repeal all acts or parts of acts conflicting with this act," approved April 12, 1923, and of any and all acts amendatory thereof or supplemental thereto, of moneys of any of the funds subject to the control of the veterans' welfare board or appropriated for its use. Interest accruing upon the deposit of money appropriated for the use of the veterans' welfare board or of any of the funds subject to the control of said board shall be paid into and credited to the respective appropriation or fund to which the money so deposited belongs.

Veterans'
welfare
finance
committee.

SEC. 10. There is hereby created a veterans' welfare finance committee composed of the governor, state controller, state treasurer, chairman of the state board of control, and chairman of the veterans' welfare board, all of whom shall serve thereon without compensation and a majority of whom shall be empowered to act for said committee. The attorney general of the state shall be the legal advisor of the veterans' welfare finance committee.

Upon request of the veterans' welfare board, supported by a statement of the plans and projects of the veterans' welfare board with respect thereto, the veterans' welfare finance committee shall determine whether or not a bond issue under this act is necessary or desirable to carry such plans and projects into execution.

Resolutions
authorizing
bond issues.

SEC. 11. Whenever the said veterans' welfare finance committee shall have determined that a bond issue under this act is necessary or desirable to carry such plans and projects into execution, it shall adopt a resolution to this effect. The said resolution shall authorize and direct the state treasurer to prepare the requisite number of suitable bonds and shall specify:

1. The aggregate number, aggregate par value, and the date of issuance of the bonds to be issued.

2. The date or dates of maturity of the bonds to be issued and the number and numerical sequence of the bonds maturing at each date of maturity.

3. The annual rate of interest which the bonds to be issued shall bear.

4. The number, numerical sequence, amount or amounts and the dates of maturity of the interest coupons to be attached to the said bonds.

5. The technical form and language of the bonds to be issued and of the interest coupons to be attached thereto.

In determining the date or dates of maturity of the said bonds and the amount of bonds maturing at each date of maturity, the veterans' welfare finance committee shall be guided by the amounts and dates of maturity of the revenues estimated to accrue to the veterans' welfare board from the project or projects to be financed by each issue, and shall fix and determine said dates and amounts in such manner that, together with the dates and amounts of interest payments on the said bond issue, they shall coincide, as nearly as practicable, with the dates and amounts of such estimated revenues; *provided*, that the bonds first to mature in each issue, shall mature not later than five years from the date of issuance thereof; *provided, further*, that specified numbers of bonds of specified numerical sequence shall thereafter mature at annual intervals; *and provided, further*, that the bonds last to mature in each issue shall mature not later than forty-five years from the date of issuance thereof.

Maturity of bonds.

The rate of interest to be borne by the said bonds shall be uniform for all the bonds of the same issue and shall be determined and fixed by the veterans' welfare finance committee according to the then prevailing market conditions, but shall in no case exceed six per cent per annum, and the determination of said committee as to the rate of interest shall be conclusive as to the then prevailing market conditions. The interest coupons to be attached to the said bonds shall be payable at semiannual intervals from the date of issuance of said bonds; *provided*, that the interest coupon first payable may, if the veterans' welfare finance committee shall so determine and specify, be payable one year after the date of issuance of said bonds.

Interest.

SEC. 12. All actual and necessary expenses of the veterans' welfare finance committee and of the members thereof shall be paid out of the fund into which the proceeds from the sale of said bonds shall be covered, upon approval of the state board of control and on controller's warrant duly drawn for that purpose, and shall constitute expenses of the veterans' welfare board.

Expenses of committee.

SEC. 13. The state controller, the state treasurer, and the veterans' welfare finance committee 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

Records and reports.

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.

Effective.

SEC. 14. This act, if adopted by the people, shall take effect on the fifteenth day of November, 1926, 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 immediately.

**Submission
of act to
electors.**

SEC. 15. This act shall be submitted to the people of the State of California for their ratification at the next general election, to be held in the month of November, 1926, and all ballots at said election shall have printed thereon and in a square thereof, the words: "For the veterans' welfare bond act of 1925," and in the same square under said words the following in brevier type: "This act provides for a bond issue of twenty million dollars to be used by the veterans' welfare board in assisting California war veterans to acquire farms or homes." In the square immediately below the square containing such words, there shall be printed on said ballot the words, "Against the veterans' welfare bond act of 1925," and in the same square immediately below said words, "Against the veterans' welfare bond act of 1925" in brevier type shall be printed "This act provides for a bond issue of twenty million dollars to be used by the veterans' welfare board in assisting California war veterans to acquire farms or homes." Opposite the words "For the veterans' welfare bond act of 1925" and "Against the veterans' welfare bond act of 1925," there shall be left spaces in which the voters may place a cross in the manner required by law 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 veterans' welfare bond act of 1925" and those voting against the said act shall do so by placing a cross opposite the words "Against the veterans' welfare bond act of 1925." 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.

**Result of
vote on
this act.**

SEC. 16. 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.

SEC. 17. It shall be the duty of the secretary of state in accordance with law 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 held in the month of November, 1926. the costs of publication shall be paid out of the general fund, on controller's warrants duly drawn for that purpose and shall be refunded to the general fund out of the veterans' farm and home building fund. Said refund shall be made upon controller's warrants duly drawn against said fund for said purpose upon demands audited by the state board of control.

Publication of act preceding election.

SEC. 18. This act may be known and cited as the "veterans' welfare bond act of 1925."

Short title.

SEC. 19. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Repealed.

CHAPTER 431.

An act to amend section two hundred forty-one of the Civil Code, relating to appointment of guardians by will or deed.

[Approved by the Governor May 23, 1925.]

The people of the State of California do enact as follows:

SECTION 1. Section two hundred forty-one of the Civil Code is hereby amended so as to read as follows:

241. A guardian of the person or estate, or of both, of a child born, or likely to be born, may be appointed by a will or by deed, to take effect upon the death of the parent appointed:

Appointment of guardian by will or deed

1. If the child be legitimate, by either parent, with the written consent of the other; or by either parent, if the other be dead or incapable of consent.

2. If the child be illegitimate, by the mother.

Provided, further, that any parent may, by deed or will, appoint a guardian as to the property which his or her child may inherit and take by devise or bequest from him or her.

CHAPTER 432.

An act to amend section three hundred eleven of the Civil Code, prescribing who may call stockholders meetings of corporations.

[Approved by the Governor May 23, 1925.]

The people of the State of California do enact as follows:

SECTION 1. Section three hundred eleven of the Civil Code is hereby amended to read as follows:

311. Whenever, from any cause, there is no person authorized to call or to preside at a meeting of a corporation, any justice of the peace of the county, or any judge of the munic-

Order by justice or judge for stockholders' meeting.

ipal court of the city or city and county, where such corporation is established may, on written application of three or more of the stockholders or of the members thereof, issue a warrant to one of the stockholders or members, directing him to call a meeting of the corporation, by giving the notice required, and the justice or judge may, in the same warrant, direct such person to preside at such meeting until a clerk is chosen and qualified, if there is no other officer present legally authorized to preside thereat. The application of a number of stockholders less than three, but holding a majority of the capital stock, has the same effect as an application by three or more stockholders or members.

CHAPTER 433.

An act to add a new chapter to be numbered four to title thirteen of the Code of Civil Procedure, relating to appeals from municipal courts.

[Approved by the Governor May 23, 1925.]

The people of the State of California do enact as follows:

SECTION 1. A new chapter to be numbered four is hereby added to title thirteen of the Code of Civil Procedure, to read as follows:

CHAPTER IV.

APPEALS FROM MUNICIPAL COURTS.

Appeals
to superior
court.

983. Any party dissatisfied with the judgment rendered in a civil action in a municipal court may appeal therefrom to the superior court of the county, on questions of law alone, at any time within thirty days after notice of the entry of the judgment. An appeal from a municipal court is taken by filing with the clerk of the court in which the judgment is entered, a notice stating the appeal from the same or some specific part thereof. In any action in which there is a right of appeal from a judgment of a municipal court, any party dissatisfied with any special order made after final judgment in such action, may in like manner appeal therefrom at any time within thirty days after notice that such order has been made.

Other
sections
applicable.

984. The provisions of sections nine hundred sixty-four, nine hundred seventy-five, nine hundred seventy-seven, nine hundred seventy-eight, nine hundred seventy-eight *a*, nine hundred seventy-nine, nine hundred eighty-one, nine hundred eighty-one *a* and nine hundred eighty-two of this code are hereby made applicable to appeals from municipal courts.

Powers of
superior
court on
appeal.

985. Upon an appeal from a municipal court, the superior court may review all orders affecting the judgment appealed from, and may set aside, or confirm, or modify any or all the proceedings subsequent to and dependent upon such judgment, and may, if necessary or proper, order a new trial. If

there be a new trial, it must be in the municipal court. For a failure to prosecute an appeal, or unnecessary delay in bringing it to a hearing, the superior court, after notice, may order the appeal to be dismissed, with costs; and if it appear to such court that the appeal was made solely for delay, it may add to the costs such damages as may be just, not exceeding twenty-five per cent of the judgment appealed from. Judgments rendered on appeal in the superior court shall have the same force and effect and may be enforced in the same manner as judgments in actions commenced in the superior court.

CHAPTER 434.

An act to amend section one thousand two hundred eighty-eight of the Penal Code, relating to bail after indictment, so as to provide for the justification and approval of the same by a judge of the municipal court.

[Approved by the Governor May 23, 1925.]

The people of the State of California do enact as follows:

SECTION 1. Section one thousand two hundred eighty-eight of the Penal Code is hereby amended to read as follows:

1288. The provisions contained in sections one thousand two hundred seventy-nine, one thousand two hundred eighty, one thousand two hundred eighty-one and one thousand two hundred eighty-one *a*, in relation to bail before indictment and the justification and approval of the same by a judge of the municipal court, apply to bail after indictment.

Sections
applicable to
bail.

CHAPTER 435.

An act to add a new section to the Penal Code to be numbered one thousand four hundred sixty-one a, relating to proceedings in justice's and police courts, so as to make the procedure in said courts apply to municipal courts.

[Approved by the Governor May 23, 1925.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to the Penal Code, to be numbered one thousand four hundred sixty-one *a*, and to read as follows:

1461a. The procedure to be followed in misdemeanor cases filed in municipal courts, over which such courts have jurisdiction, shall be the same as those provided for in this chapter for proceedings in justices' and police courts, as specifically provided in sections numbered one thousand four hundred twenty-six, one thousand four hundred twenty-six *a*, one thousand four hundred twenty-seven, one thousand four hundred twenty-eight, one thousand four hundred twenty-nine, one

Procedure
in justice's
and
police courts
applicable to
municipal
courts.

thousand four hundred thirty and one thousand four hundred thirty-three to one thousand four hundred sixty, inclusive, in so far as the same may be applicable to such municipal courts, except where other provisions of law provide for different procedure, in which case such other provisions shall apply.

CHAPTER 436.

An act to add a new title to the Code of Civil Procedure, relating to civil proceedings in municipal courts.

[Approved by the Governor May 23, 1925.]

The people of the State of California do enact as follows:

SECTION 1. A new title ten *a* is hereby added to the Code of Civil Procedure, to read as follows:

TITLE X *a*.

CIVIL PROCEEDINGS IN MUNICIPAL COURTS.

CHAPTER I.

Place of Trial of Civil Actions.

Actions to be tried where the subject is situated.

831. Actions for the following causes must be tried in the city in which the subject of the action, or some part thereof, is situated, subject to the power of the court to change the place of trial, as provided in this code:

1. For the recovery of real property, and for injuries thereto.

Where the real property is situated partly in a city and partly without, the plaintiff may elect whether to sue in the municipal court or the appropriate justice's or superior court, and the court so selected is the proper court for the trial of such action.

Actions to be tried where the cause arose.

831*a*. Actions for the following causes must be tried in the city where the cause or some part thereof, arose, subject to the like power of the court to change the place of trial:

1. For the recovery of the penalty or forfeiture imposed by statute; except, that when it is imposed for an offense committed on a lake, river, or other stream of water, situated partly within and partly without a city, the action may be brought either in the municipal court of the city or in the appropriate justice's or superior court.

2. Against a public officer, or person especially appointed to execute his duties, for an act done by him in virtue of his office; or against a person who, by his command or in his aid, does anything touching the duties of such officer.

Action to be tried in city in which defendant resides, etc.

831*b*. In all other cases, the action must be tried in the city in which the defendants, or some of them, reside at the commencement of the action, or if it be an action for injury to person, or property, or for death from wrongful act, or negligence, in the city where the injury occurs, or the injury causing death occurs, or in the city in which the defendants,

or some of them, reside at the commencement of the action. If none of the defendants reside in the state, or if residing in the state, and the place in which they reside is unknown to the plaintiff, the same may be tried in any city which the plaintiff may designate in his complaint, and if the defendant is about to depart from the state, such action may be tried in any city where either of the parties reside, or service is had, subject however, to the power of the court to change the place of trial, as provided in this code. If any person is improperly joined as a defendant, or has been made a defendant solely for the purpose of having the action tried in the city where he resides, his residence must not be considered in determining which is the proper place for the trial of the action. Nothing contained in this chapter shall be construed to limit the power of the court to hear and determine any of the causes herein enumerated, arising, or where any of the defendants reside, within the jurisdictional limits of the court as established by law.

831c. If the city in which the action is commenced is not the proper place for the trial thereof, the action may, notwithstanding, be tried therein, unless the defendant, at the time he answers, files an affidavit of merits, and demands, in writing, that the trial be had in the proper place.

831d. The court may, on motion, change the place of trial in the following cases:

1. When the city designated in the complaint is not the proper place;
2. When there is reason to believe that an impartial trial can not be had therein;
3. When the convenience of witnesses and the ends of justice would be promoted by the change;
4. When from any cause there is no judge of the court qualified to act.

CHAPTER II.

Civil Proceedings in Municipal Courts.

831e. Civil actions in the municipal courts shall be commenced and prosecuted in the manner provided by law for the commencement and prosecution of civil actions in the superior courts of this state, except:

(1) The summons shall direct the defendant to appear and answer within five days after summons is served if served within the city within which the action is brought; within ten days if served out of a city but in the county in which the action is brought; and within twenty days if served elsewhere.

831f. The rules of pleading and practice applicable to the prosecution of civil actions and enforcement of judgments in the superior court of this state shall apply to and govern the prosecution and maintenance of civil actions and enforcement of judgments in the municipal courts of this state except as follows:

(1) In cases tried by the court without a jury the court shall not be required to make any written findings of fact and

conclusions of law where the matter involved is three hundred dollars (\$300) or less, exclusive of interest and costs, and in all other cases written findings of fact and conclusions of law shall be deemed to be waived unless they shall be expressly requested by one of the parties at the time of the trial.

(2) Where the demand, exclusive of interest, or the value of the property in controversy does not exceed three hundred dollars, the defendant at his option, in lieu of demurrer and other answer, may file a general written denial verified by his own oath and a brief statement similarly verified, of any new matter constituting a defense or counterclaim.

(3) At any time after issue of fact is joined, the court upon its own motion may, and upon the written demand of any party shall, cite all parties to appear before the court at a time and place certain for summary proceedings.

Such citation may be served upon the party personally or upon his attorney of record. It must be served not less than five days before the return day.

Each party must appear personally, or by person or persons having knowledge of the facts and authorized in writing by such party so to appear, and with or without counsel as he may desire. If a party is an assignee of a cause of action, counterclaim or cross-complaint, in addition to any other person he shall procure the presence of the first assignor thereof or its agent making the assignment, if he be available. For any person whose presence is herein required, subpoena shall be issued by the clerk at the request of any party. If clear proof be made that no person having knowledge of the facts constituting the cause of action, defense, counterclaim or cross-complaint is available, the party may by his counsel, make the statement herein provided, in which case any other party at his option may make his statement by counsel only.

At such time, or other time or times to which the proceeding may be continued, the judge shall require the parties, or the person or persons appearing respectively in their behalf, to state under oath the facts upon which the respective claims and defenses of the parties are based. If a party is authorized by the provisions hereof to appear by counsel only, his counsel shall state the facts upon which his claim or defense is based. The court shall regulate the order of making the statements as justice requires.

Such statements, together with all that occurs at such examination, shall be taken down by a court reporter, and the notes of the court reporter, or transcript of such notes, certified by the court reporter and the court and filed in the office of the clerk.

If from such statements it shall appear, without substantial conflict as to facts, that any party is entitled to judgment against any other party, the court shall cause such judgment to be entered forthwith.

If, although judgment can not be so entered, it shall appear that there is no substantial conflict as to some of the facts and

that upon them findings may be made, the court shall make and file such findings. If such judgment be not so entered, the court shall forthwith set the cause for trial.

Findings upon summary proceedings shall be deemed excepted to. They shall be determinative of the facts therein found, unless the court for good cause, upon notice, set them aside.

If any party fail to appear for summary proceedings as herein provided, or fail to make statement of facts as herein required, the same judgment shall be entered against him as would be entered if he should fail to appear at trial of the action.

831g. The sections of this code numbered four hundred seventy-eight to five hundred four (both inclusive), five hundred nine to five hundred twenty-one (both inclusive), five hundred thirty-seven to five hundred sixty-one (both inclusive), and five hundred seventy-two to five hundred seventy-four (both inclusive), are hereby made applicable to proceedings in municipal courts; *provided* that where the demand does not exceed fifty dollars the bond specified in section five hundred thirty-nine shall be in the penal sum of fifty dollars and where the demand exceeds fifty dollars such bond shall be in such penal sum as the clerk of the court or a judge may require not exceeding one thousand dollars.

Other sections applicable.

Exception.

831h. The clerk of the municipal court shall with respect to proceedings therein exercise all powers conferred by law upon the clerk of the superior court with respect to proceedings in the superior court.

Powers of clerk.

831i. Any constable in the county, the marshal of any municipal court and the sheriff shall with respect to proceedings in municipal courts exercise all powers and perform all duties imposed by law upon the sheriff with respect to proceedings in the superior court.

Powers of constables, marshal and sheriff.

CHAPTER 437.

An act to amend section seventy of the Civil Code, prescribing who may solemnize marriages.

[Approved by the Governor May 23, 1925.]

The people of the State of California do enact as follows:

SECTION 1. Section seventy of the Civil Code is hereby amended to read as follows:

70. Marriage may be solemnized by either a justice of the supreme court, justice of the district courts of appeal, judge of the superior court, judge of the municipal court, justice of the peace, judge of any police court, city recorder, priest or minister of the gospel of any denomination.

Who may solemnize marriages.

CHAPTER 438.

An act to amend section three hundred ninety-eight of the Code of Civil Procedure, relating to change of place of trial of actions.

[Approved by the Governor May 23, 1925.]

The people of the State of California do enact as follows:

SECTION 1. Section three hundred ninety-eight of the Code of Civil Procedure is hereby amended to read as follows:

Court that
trial may
be trans-
ferred to.

398. If an action or proceeding is commenced or pending in a court, and the judge or justice thereof is disqualified from acting as such, or if, from any cause, the court orders the place of trial changed, it must be transferred for trial to a court the parties may agree upon, by stipulation in writing, or made in open court and entered in the minutes; or, if they do not so agree, then to the nearest or most accessible court, where the like objections or cause for making the order does not exist, as follows:

1. If in a superior court, to another superior court, or to a municipal court if the action be cognizable therein.

2. If in a justice's court, to another justice's court, or to a municipal court, in the same county.

3. If in a municipal court, to another municipal court, or to a justice's court, if the action be cognizable therein, otherwise to a superior court.

CHAPTER 439.

An act to add two new sections to the Penal Code, to be numbered one thousand four hundred sixty-two and one thousand four hundred sixty-three, relating to the jurisdiction of the municipal courts and the disposition of all moneys collected therein.

[Approved by the Governor May 23, 1925.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to part two, title eleven, chapter one, of the Penal Code to be numbered one thousand four hundred sixty-two, and to read as follows:

Jurisdiction
of municipal
courts in
misdemeanor
cases.

1462. Whenever a municipal court shall have been established, as provided by law, such 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, or city and county where such municipal 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 any ordinance of said city or city and county. In all cases in which the said municipal court has jurisdiction, it shall have the 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.

In each city wherein a municipal court shall have been established, such courts shall also have jurisdiction over any misdemeanor committed in the county in which such city is located.

SEC. 2. A new section is hereby added to part two, title eleven, chapter one, of the Penal Code, to be numbered one thousand four hundred sixty-three, and to read as follows:

1463. Except where otherwise specifically provided to the contrary all fines and forfeitures collected upon conviction or upon the forfeiture of bail in any municipal court following the arrest by any officer employed by the state or by the county in which such court is situated, shall be paid into the general fund of the county; and all fines and forfeitures collected in such court upon conviction or upon the forfeiture of bail following the arrest by any officer employed by the city for which such court is established shall be paid into the general fund of the city.

Disposition of fines collected in municipal courts.

All such fines and forfeitures, together with moneys deposited as bail shall as soon as practicable after the receipt thereof be deposited with the county treasurer.

At least once a month the county treasurer shall pay over to the treasurer of any city entitled thereto, all moneys, fines and forfeitures belonging to such city.

Any money deposited with such court or the clerk thereof which by order of the court or for any other reason should be returned in whole or in part to any person, shall be paid to such person upon demand certified to be correct by the clerk of the court.

All money deposited as bail, which has not been claimed within one year after the final disposition of the case in which said bail is deposited, shall be paid into the general fund of the county if the bail was deposited following arrest by an officer employed by the county or state, or in the general fund of the city if the bail was deposited following arrest by an officer employed by the city.

CHAPTER 440.

An act to add a new section to the Penal Code to be numbered one thousand six hundred seventeen, relating to county jails to provide for the imprisonment of convicts in the municipal court in city jails.

[Approved by the Governor May 23, 1925.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to the Penal Code, to be numbered one thousand six hundred seventeen, to read as follows:

1617. Whenever by the terms of this code, or of any other law of the state, it is provided that a prisoner shall be confined

Confinement of persons convicted in municipal courts.

in any county jail, such provision shall be construed to authorize the confinement of any prisoner convicted in a municipal or police court to be confined in a city jail of the city in which such conviction was had, and as to such prisoner so confined in such city jail, the designations, county jail and city jail shall be interchangeable, and in such case the obligations to which the county is liable in case of confinement in a county jail, shall become liabilities of the city where such prisoner is confined in a city jail.

CHAPTER 441.

An act to amend sections one thousand four hundred sixty-six, one thousand four hundred sixty-seven, one thousand four hundred sixty-eight, and one thousand four hundred sixty-nine of the Penal Code, and to add a new section one thousand four hundred sixty-eight a, relating to appeals from municipal courts, justices' courts and police courts.

[Approved by the Governor May 23, 1925.]

The people of the State of California do enact as follows:

SECTION 1. Section one thousand four hundred sixty-six of the Penal Code is hereby amended to read as follows:

Appeals,
when
allowed.

1466. Either party may appeal to the superior court of the county from a judgment of a municipal court or from a judgment of a justice's or police court, in like cases and for like causes as appeals may be taken to the supreme court or to a court of appeal.

SEC. 2. Section one thousand four hundred sixty-seven of the Penal Code is hereby amended to read as follows:

Time limit
on appeals.

1467. The appeal may be taken, heard and determined as provided in title nine, part two of this code, except that such appeal must be taken within fifteen days after the judgment is rendered in a justice's or police court, or entered in a municipal court, or within ten days after the order is made from which the appeal is taken, by filing a written notice of appeal.

SEC. 3. Section one thousand four hundred sixty-eight of the Penal Code is hereby amended to read as follows:

Statement on
appeal.

1468. The appeal to the superior court from a judgment of a municipal court, or from the judgment of a justice's or police court, shall be heard upon a statement of the case settled by the judge of the municipal court or by the justice or police judge. The statement must contain the grounds upon which the party intends to rely upon the appeal, and so much of the evidence as may be necessary to explain the grounds. The statement must be prepared by the appellant and filed with the court, and a copy served upon the opposite party, within five days after the filing of the notice of appeal. The respondent may, within five days after the service of the copy and the filing of the proposed statement, file amendments

thereto, a copy of which must be served upon the appellant. Within five days from the time of the filing and serving of the amendments or if no amendments be filed then within ten days from the time of the filing of the statement, as herein provided, the court must settle the same, and if in the opinion of the court the statement is incorrect or insufficient he shall correct it. If no statement is filed and served as herein provided, the appeal is ineffectual for any purpose, and shall be deemed dismissed, and the judgment or order appealed from shall be enforced as if no appeal had been taken.

SEC. 4. A new section numbered section one thousand four hundred sixty-eight *a* is hereby added to the Penal Code, to read as follows:

1468*a*. Unless good cause to the contrary be shown the appeal must be brought to a hearing within sixty days after the appeal is perfected, or as soon thereafter as the business of the court will permit, and if not so brought to a hearing, the court shall, upon motion, order the appeal dismissed. Hearing,
when held.

SEC. 5. Section one thousand four hundred sixty-nine of the Penal Code is hereby amended to read as follows:

1469. Upon an appeal the superior court may review all matters set forth in the statement and affecting the judgment appealed from, and may set aside, or confirm, or modify any or all of the proceedings subsequent to and attendant upon such judgment, and may, if necessary or proper, order a new trial. If a new trial be granted it must be in the municipal court, if the appeal be from a judgment of the municipal court, otherwise it must be in the superior court. Power of
court on
appeal.

CHAPTER 442.

An act to add a new section to the Political Code to be numbered four thousand three hundred l, relating to fees of officers, witnesses and jurors in municipal courts.

[Approved by the Governor May 23, 1925.]

The people of the State of California do enact as follows:

SECTION 1. A new section to be numbered four thousand three hundred *l* is hereby added to the Political Code of the State of California, to read as follows:

4300*l*. The clerk of each municipal court, except as otherwise provided by law, shall charge for all services to be performed in civil actions, the following fees: Municipal
court fees.

For filing the complaint, four dollars, to include all proceedings before trial and all services to be performed in a judgment by default or for the trial of either a question of law or fact, and all proceedings subsequent thereto, including all affidavits, swearing witnesses and jury, entry of judgment, issuance of execution thereon, and supplementary proceedings thereto.

For the appearance of each defendant, to be paid on filing the first paper on his behalf, if a demurrer, two dollars; otherwise, one dollar.

For filing the papers transmitted from another court, and all proceedings thereon, five dollars.

When the venue in a case in a municipal court shall be changed, for making up and transmission of transcript and papers, one dollar, and a further sum equal to the fee for filing in the court to which venue is to be transferred; to be paid by the party making the motion for such change of venue at the time of filing the affidavit therefor.

For receiving and filing an abstract of judgment rendered by a justice or judge of another jurisdiction, and for subsequent services based thereon, five dollars.

For certificate and transmitting transcript and papers on appeal, one dollar.

For issuing a transcript of the docket, one dollar.

For issuing an abstract of judgment, fifty cents.

For taking an acknowledgment of any instrument, for each signature, fifty cents.

For filing any notice of intention to move for a new trial of any civil action or special proceeding, two dollars.

For preparing a first copy, other than a carbon copy, of any record, proceeding, or paper on file in his office, per folio, twelve cents.

For preparing a carbon copy of any record, proceeding, or paper on file in his office, made at the time of preparing a first copy thereof, per folio, five cents.

For certifying a copy of any paper, record or proceeding on file in his office, fifty cents.

For comparing with the original on file in his office, the copy of any paper, record or proceeding by another and presented for his certificate, two cents per folio.

On the commencement in or removal to the municipal court of any municipality, of any civil action or proceeding, the clerk shall collect the sum of one dollar for the law library fund, and shall pay the same to the treasurer of his county, who shall keep the same in the law library fund designated in section four thousand one hundred ninety of this code.

Marshals of municipal courts, except as otherwise provided by law, shall charge and collect the fees provided in section four thousand three hundred *d*, Political Code, except that for keeping property taken under attachment or execution they shall collect the actual amount charged by any reputable warehouse or storage house for safely keeping and storing such property; but if such property shall be placed in the care of a keeper, the fee for such keeper shall be four dollars per day.

All fees shall be paid into the county treasury, as provided in sections four thousand three hundred *c* and four thousand three hundred five of this code.

Witnesses in municipal courts, except as otherwise provided by law, shall be paid the fees provided to be paid to witnesses

in the superior court in the county or city and county in which any such municipal court is situated.

Jurors in municipal courts, except as otherwise provided by law, shall be paid the fees provided to be paid to trial jurors in the superior court in the county or city and county in which any such municipal court is situated.

Witnesses and jurors in criminal cases shall be paid by the county in the manner provided for the payment of such fees in the county or city and county in which any such municipal court is situated.

CHAPTER 443.

An act to add a new section to the Code of Civil Procedure to be numbered one hundred forty-nine a, relating to seals of municipal courts.

[Approved by the Governor May 23, 1925.]

The people of the State of California do enact as follows:

SECTION 1. A new section to be numbered one hundred forty-nine a is hereby added to the Code of Civil Procedure, to read as follows:

149a. The municipal court of every city or city and county may use any seal having upon it the inscription, "Municipal Court _____" (inserting the name of the city or city and county) Seals of municipal courts.

CHAPTER 444.

An act to add a new section to the Penal Code to be numbered section one thousand two hundred eighty-one a, providing that judges of the municipal courts may admit to and justify bail.

[Approved by the Governor May 23, 1925.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to the Penal Code to be numbered one thousand two hundred eighty-one a and to read as follows:

1281a. A judge of any municipal court within the county, wherein a cause is pending against any person charged with a felony, may justify and approve bail in the said cause, and may execute an order for the release of the defendant which shall authorize the discharge of the defendant by any officer having said defendant in custody. Judge of municipal court may admit to and justify bail.

CHAPTER 445.

An act to amend section eight hundred eight of the Penal Code, prescribing who are magistrates.

[Approved by the Governor May 23, 1925.]

The people of the State of California do enact as follows:

SECTION 1. Section eight hundred eight of the Penal Code is hereby amended to read as follows:

Who are
magistrates.

808. The following persons are magistrates:

1. The justices of the supreme court;
2. The judges of the superior court;
3. The judges of the municipal court;
4. Justices of the peace;
5. Police magistrates in towns or cities.

CHAPTER 446.

An act to amend section four thousand two hundred thirty-three of the Political Code, relating to county officers in counties of the fourth class.

[Approved by the Governor May 23, 1925.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred thirty-three of the Political Code is hereby amended to read as follows:

Counties of
4th class:
salaries and
fees of
officers.
Clerk.

4233. In counties of the fourth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The county clerk, four thousand six hundred dollars per annum; he shall have three deputies at a salary of two thousand four hundred dollars each per annum; four deputies at a salary of one thousand nine hundred twenty dollars each per annum; five deputies at a salary of one thousand eight hundred dollars each per annum; two deputies at a salary of one thousand five hundred dollars each per annum; one deputy at a salary of one thousand nine hundred seventy dollars per annum. He shall also have three additional deputies for a period of not to exceed ten months during each and every even numbered year at a salary of five dollars per day each during their said employment, and four deputies for a period of not to exceed six months during each and every even numbered year, such deputies to receive a salary of five dollars per day each during their said employment, and also for such even numbered years he shall appoint such deputies in the county as are necessary for the purpose of registering the electors, such deputies to receive five cents for each elector legally registered by them. The county clerk shall pay into the county treasury at the close of each month all fees received

by him as county clerk during the month, accompanied by a statement of the sources from whence received.

2. The sheriff, six thousand dollars per annum; he shall ^{Sheriff.} have an undersheriff at a salary of two thousand four hundred twenty-five dollars per annum; one deputy at a salary of two thousand four hundred dollars per annum and five deputies at a salary of two thousand dollars per annum each; ten deputies at a salary of one thousand eight hundred dollars per annum each; one Bertillon deputy who shall have charge of the records made under the Bertillon system and who shall act as a photographer and who shall receive a salary of two thousand dollars per annum; two stenographers whose salary shall be one thousand eight hundred dollars each per annum; one clerk whose salary shall be one thousand two hundred dollars each per annum; a matron whose annual salary shall be one thousand five hundred dollars. The sheriff shall pay into the county treasury all sums received by him for service of process.

3. The recorder, four thousand dollars per annum; one ^{Recorder.} deputy at a salary of two thousand four hundred dollars per annum; one deputy at a salary of two thousand one hundred dollars per annum; six deputies at a salary of one thousand eight hundred dollars per annum each and one stenographer at one thousand five hundred dollars per annum.

The recorder shall have such copyists as are necessary to perform the duties of the office at a compensation of seven cents per folio; *provided, however,* that all instruments that are partly written or typewritten and partly printed, and for the recording of which the county has furnished the county recorder with books containing printed forms corresponding to such instrument, the compensation shall be three and one-half cents per folio for the entire number of folios of written and printed matter in said instrument.

4. The auditor, four thousand dollars per annum. He shall ^{Auditor.} also have one chief deputy at a salary of two thousand eight hundred dollars per annum; one deputy who shall act as chief accountant and who shall receive a salary of two thousand seven hundred fifty dollars per annum; one deputy who shall act as a redemption clerk and who shall receive a salary of two thousand two hundred twenty dollars per annum; one deputy who shall act as bookkeeper and who shall receive a salary of two thousand one hundred dollars per annum; one deputy who shall act as a warrant clerk and who shall receive a salary of one thousand eight hundred dollars per annum; three deputies at a salary of one thousand eight hundred dollars each per annum; three deputies at a salary of one thousand five hundred dollars each per annum; and eight deputies for not to exceed one hundred twenty days in each year, at a salary of five dollars per day each. In addition to the salary herein provided for the said auditor shall receive three per cent of the sum collected from the state under the provisions of section four thousand ninety-nine *a* of the Political Code for the extra duties imposed by said section. It is

hereby found as a fact that the salary provided for in this subsection does not work an increase in compensation, and it is hereby intended that the same shall apply to the present incumbent of this office.

Treasurer.

5. The treasurer, four thousand dollars per annum; he shall have one deputy at a salary of two thousand four hundred fifty dollars per annum; one deputy at a salary of two thousand one hundred fifty dollars per annum; three deputies at a salary of one thousand eight hundred fifty dollars per annum each.

Tax collector.

6. The tax collector, four thousand dollars per annum; he shall have one deputy at a salary of two thousand four hundred twenty-five dollars per annum; one deputy at a salary of two thousand one hundred fifty dollars per annum; one deputy at a salary of two thousand fifty dollars per annum; five deputies at a salary of one thousand eight hundred ten dollars each per annum; and twenty-one additional deputies for not exceeding three months in each year at a salary of five dollars per day each; two additional deputies for not exceeding three months in each year at a salary of six dollars per day each; and six additional deputies for not exceeding two months in each year at a salary of six dollars per day each. The tax collector shall be allowed the actual and necessary expenses required by him in the performance of his official duties as license collector of Fresno county.

Assessor.

7. The assessor, five thousand dollars per annum; he shall have one deputy at a salary of two thousand four hundred ten dollars per annum; one deputy at a salary of two thousand one hundred ten dollars per annum; five deputies at a salary of one thousand eight hundred dollars each per annum; ten deputies for a period not to exceed six months at a salary of five dollars per day each, and seven deputies for a period not to exceed four months at a salary of seven dollars and fifty cents per day each; thirty deputies for a period not to exceed three months at a salary of seven dollars and fifty cents per day each; all sums collected by the assessor or his deputies as personal property taxes shall be paid into the county treasury monthly as collected with a statement of account of each collection.

Jurors.

8. In counties of this class grand and trial jurors shall receive three dollars per day each while engaged in the performance of the duties required by them, and in addition thereto shall receive the mileage now allowed by law.

Attorney.

9. The district attorney, six thousand dollars per annum; he shall have one assistant at a salary of four thousand five hundred dollars per annum; one deputy at a salary of four thousand two hundred dollars per annum; one deputy at a salary of three thousand nine hundred dollars per annum; one deputy at a salary of three thousand six hundred dollars per annum; one deputy at a salary of three thousand dollars per annum; and two deputies at a salary of two thousand

four hundred dollars per annum each. A detective at a salary of two thousand four hundred dollars per annum; one stenographer at a salary of one thousand eight hundred dollars per annum; and one stenographer at a salary of one thousand six hundred eighty dollars per annum; and one stenographer at a salary of one thousand five hundred dollars per annum.

Neither of these stenographers shall receive other compensation by reason of services as stenographic reporter in any action or proceeding wherein the fee or per diem of the stenographic reporter constitutes a charge against the county.

The district attorney and his deputies shall devote their entire time during office hours to the work of the county and state and are prohibited from engaging in private work within such office hours. It is understood that this provision relative to private work does not affect the district attorney until his salary is six thousand dollars per annum.

10. The coroner, such fees as are now or may hereafter be Coroner.
allowed by law.

11. The public administrator, such fees as are now or may Public ad-
ministrator.
hereafter be allowed by law.

12. The superintendent of schools, four thousand dollars Supt. of
schools.
per annum; he shall have one deputy at a salary of two thousand seven hundred dollars per annum; three deputies at a salary of two thousand four hundred dollars each per annum; one deputy at a salary of two thousand one hundred dollars per annum; two deputies at a salary of one thousand eight hundred dollars per annum each and two deputies at a salary of one thousand five hundred dollars per annum each. One of the deputies is to act as an attendance officer for the schools of Fresno, whose duties shall be to enforce the laws in regard to compulsory attendance of pupils and who shall perform such other duties in connection with school work as the county superintendent may direct. The superintendent and his supervising assistants and attendance officers shall be allowed their actual traveling expenses incurred while visiting the schools of the county.

13. The surveyor, four thousand dollars per annum in full Surveyor.
compensation for all services as county surveyor and as road overseer and inspector. He shall have one deputy at a salary of two thousand four hundred dollars per annum; one deputy at a salary of two thousand one hundred dollars per annum; and one deputy at a salary of one thousand eight hundred dollars per annum.

The county surveyor shall be allowed all necessary traveling and field expenses of himself and chainmen or other necessary help in the field. In addition, the county surveyor shall be allowed to employ all necessary inspectors and field or office help needed in the preparation of plans, specifications or surveys preliminary to the submission to the qualified voters of

a county of this class of a proposition to issue bonds under the provisions of section four thousand eighty-eight of the Political Code for the construction of roads, bridges or highways; *provided, however*, that before employing such inspectors or field or office help, the surveyor shall first obtain the consent of the board of supervisors to such employment; *provided, however*, that the term of employment of such inspectors or field or office help shall cease at the completion of such preliminary work hereinabove provided for. The salaries and expenses of such inspectors or field or office help shall be paid out of the county general fund upon proper claims presented therefor to the board of supervisors. In any county of this class, where bonds have been or shall hereafter be issued under the provisions of section four thousand eighty-eight of the Political Code, for the construction of roads, bridges or highways, the county surveyor may, at any time during the planning, laying out or construction of such roads, bridges or highways, employ all necessary inspectors and field or office help to assist him in planning, laying out or constructing such roads, bridges and highways; *provided, however*, that before employing such inspectors and field or office help, the surveyor shall first obtain the consent of the board of supervisors to such employment. Inspectors and field or office help shall not be employed longer than necessary to actually complete the roads, bridges or highways paid for out of funds created by such bond issue. There shall also be allowed to such surveyor, from and after the issue of bonds provided in said section four thousand eighty-eight, an additional deputy at a salary of three thousand six hundred dollars per annum, whose duties shall be limited to operations contemplated under such bond issue, and whose term of employment shall cease at the completion of such operation; *provided, however*, that before employing such additional deputy, the surveyor shall first obtain the consent of the board of supervisors for such employment. The salaries of all such persons employed as inspectors or field or office help shall be prescribed by the board of supervisors, and all such salaries, together with the field expense of all such inspectors or field or office help, as well as the salary of said additional deputy, shall be paid out of the fund created by such issue of bonds, upon proper demands therefor presented to the board of supervisors. The surveyor and his deputies shall devote their entire time and service to the work of the county, and are prohibited from engaging in private surveying and engineering work, and shall do all surveying and engineering work for the county, including the preparation of plans and specifications for the construction of bridges.

Classification
of townships.

14. The registered population of the several judicial townships of this county is hereby determined to be the registered votes as shown by the great register of the county in

the office of the county clerk January 1, 1923, as follows, to wit:

Township No. 1, Dos Palos-----	1,351
Township No. 2, Clovis -----	3,282
Township No. 3, Fresno -----	23,700
Township No. 4, Fowler -----	1,568
Township No. 5, Selma -----	2,751
Township No. 6, Coalinga -----	2,811
Township No. 7, Sanger -----	1,907
Township No. 8, Reedley -----	2,486
Township No. 9, Kingsburg -----	1,296
Township No. 10, Tollhouse -----	653
Township No. 11, Kerman -----	1,586
Township No. 12, Dunlap -----	271
Township No. 13, Laton -----	591
Township No. 14, Parlier -----	737
Township No. 15, Riverdale -----	779
Township No. 16, Del Rey -----	315
Township No. 17, Caruthers -----	1,171
Township No. 18 -----	1,407

And for the purpose of regulating the compensation of the constables and justices of the peace, townships of this class of counties are hereby classified as follows: Townships having a registered voting population of ten thousand and more shall belong to and be known as townships of the first class; townships having a like population of one thousand four hundred fifty and less than ten thousand shall belong to and be known as townships of the second class; townships having a like population of six hundred and less than one thousand four hundred fifty shall belong to and be known as townships of the third class; townships having a like population of less than six hundred shall belong to and be known as townships of the fourth class.

15. Justices of the peace in townships of the first class shall receive a salary of two hundred fifty dollars per month to be paid each month as the county officers are paid. Justices
of the
peace.

For each justice's court in townships of the first class there shall be one justice's clerk, who shall be appointed by the justice of the peace. Said clerk shall be appointed immediately on this act taking effect and shall take the oath of office prescribed for county officers, and give a bond in the sum of three thousand dollars, conditioned upon and for the faithful discharge of the duties of the office, which bond shall be approved and filed in the same manner as are bonds of county officers.

Said justice's clerk shall be authorized to administer all oaths, take and serve affidavits, and shall be authorized to issue and sign writs, summons and all other processes in any action or proceeding in the justice's court of the township for which he is appointed, or pending before any justice of the peace in said township, in the name of the justice before

whom the same is pending, or out of whose court the same is issued, which shall be in substantially the following form:

“-----
Justice of the Peace.
Attest: -----
Clerk.”

All legal papers of every kind in actions or proceedings in such justice's court shall be issued by the said justice's clerk in the manner and form hereinbefore set out. The said justice's clerk shall issue, sign and certify to any and all papers, transcripts or records which are required to be issued, signed or certified by said justice of the peace. All complaints, answers and other pleadings and papers required to be filed in the said justice's court, shall be filed with such justice's clerk, who shall keep a permanent record of such actions and proceedings in the justice's docket, now provided by law to be kept by such justice. Said clerk shall keep a record of the proceedings of said court and shall have the custody of all records and papers of the same.

All fees for the issuance of process, or other fees, which are by law allowed for any official service of the justice of the peace, shall be exacted and paid in advance into the hands of the justice's clerk which, together with all fees, fines, forfeitures or penalties received in said justice's court, shall be paid into the county treasury.

Said justice's clerk shall render each month to the county auditor and county treasurer an exact account, under oath, of all fines, forfeitures and penalties and fees received by him or collected by said court. Said justice's clerk shall receive a salary of one thousand five hundred dollars per year, which shall be payable in like manner and out of the same funds and at such times as county officers are paid.

In the event that the board of supervisors do provide, by order, that two justices' courts be established in any township of the first class, then and in such an event the justice of said additional court shall be entitled to and shall appoint a clerk for said additional court, which said clerk shall be vested with the same authority and charged with the same duties and entitled to the same compensation as the clerk of the justice's court hereinbefore provided for.

The board of supervisors shall provide, in a convenient locality, a suitable office and court room, including all necessary office furniture, telephone, light, heat and water and all necessary stationery and office supplies for the justices and clerks thereof for all justices' courts in and for townships of the first and second class.

Justices of the peace and persons now performing the duties of justices of the peace shall receive the following monthly salaries to be paid each month as the county officers are paid and the same shall be in full compensation for all their services

rendered and shall include their office rent except as heretofore provided for justices of the first and second class, to wit:

In townships of the second class-----	\$100
In townships of the third class-----	90
In townships of the fourth class-----	75

For each justice's court in townships other than the first class, there shall be one justice's clerk, who shall be appointed by the justice of the peace; *provided*, that the total number of cases, civil and criminal, filed in said court during the calendar year preceding such an appointment be six hundred fifty.

Said clerk shall be appointed immediately on this act taking effect and shall have same qualifications, authority and duties as prescribed for clerks of justices' courts of the first class. Said justice's clerk shall receive a salary of one thousand five hundred dollars per year, which shall be payable in like manner and out of the same funds and at such times as county officers are paid. On the first day of each calendar year, the justice of each court, entitled to a clerk under this provision shall file with the county clerk a certified list of all cases filed in his court for the preceding calendar year, giving titles of same.

Justices of the peace shall pay to the county treasurer once a month all fees and fines collected by them and shall be responsible for the collection and payment to the county treasurer of all such fees and fines as herein provided.

16. Constables shall receive the following monthly salaries to be paid each month as the county officers are paid and to be in full compensation for all services rendered by them in criminal cases, to wit:

In townships of the first class-----	\$125
In townships of the second class-----	100
In townships of the third class-----	90
In townships of the fourth class-----	75

In addition to the monthly salaries above provided each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services rendered by him in civil cases, and shall also be allowed all necessary expenses actually incurred in arresting and conveying prisoners to court or prison, which expenses shall be audited by the board of supervisors and paid out of the county treasury; *provided, further*, that when a constable is required to go out of the county to serve a warrant of arrest or any other paper in a criminal case, he shall be allowed mileage in going and returning outside of the county at the rate of five cents per mile.

17. The supervisors shall receive each the sum of four thousand eight hundred dollars per annum, payable monthly in installments of four hundred dollars per month, in full compensation for all services rendered, either as supervisors

or road overseers. The supervisors shall devote their entire time to the work of the county.

Payment
of salaries.

18. The salaries of all county and township officers and their deputies shall be payable in installments monthly on the first day of each month.

Effect of
act.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes.

CHAPTER 447.

An act to amend sections two, four, five, six, seven, nine, eleven, thirteen, fourteen, seventeen and twenty-five of an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation thereof; and creating a state corporation department and the office of commissioner of corporations," approved May 18, 1917, as amended.

[Approved by the Governor May 23, 1925.]

The people of the State of California do enact as follows:

Stats. 1923,
p. 87,
amended.

SECTION 1. Section two of an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and the sales of securities as the same are therein defined, and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation thereof; and creating a state corporation department and the office of commissioner of corporations," approved May 18, 1917, as amended, is hereby amended to read as follows:

Words
defined.

SEC. 2. Words used in this act in the present tense include the future as well as the present; words used in the masculine gender include the feminine and neuter, and the neuter, the masculine and feminine; the singular number includes the plural, and the plural, the singular; "writing" includes "printing" and "typewriting"; "oath" includes "affirmation"; the word "county" includes "city and county"; and "territory" includes "district." The following words have in this act the signification attached to them in this section, unless otherwise apparent from the context:

"Depart-
ment."

1. The word "department" means the "state corporation department" created by this act.

"Commis-
sioner."

2. The word "commissioner" means the "commissioner of corporations."

3. The word "company" includes all domestic and foreign "Company." private corporations, associations, joint stock companies, and partnerships, of every kind, trustees, as hereinafter defined, and also individuals as hereinafter defined; excepting therefrom:

(a) All national banking associations and other corporations organized and existing under and by virtue of the acts of the congress of the United States;

(b) All public utilities subject to the jurisdiction, control, and regulation of the railroad commission of this state;

(c) All corporations now or hereafter organized under the laws of this state for the purpose of conducting the business of banking within this state and all corporations transacting insurance business within this state, when such corporations are issuing securities of their own issue against their own assets.

(d) All corporations, associations, or societies transacting business under the supervision, examination, and license of the bureau of building and loan supervision; and

(e) Every corporation organized under the laws of this state exclusively for the purposes provided in any of the following titles, to wit: Eleven a, twelve, twelve a, and fourteen of part four. division first, of the Civil Code, and in accordance with the provisions of such titles.

4. The word "trust" as used in this act includes all voluntary trusts, as the same are defined in the Civil Code, expressly created by or declared in an instrument in writing, other than a will or a judicial writ, order, decree, or judgment, to carry on any business or to secure the payment or repayment of money. "Trust."

5. The word "trustee," except as hereinafter used in subdivision eleven of this section, includes only persons or companies executing trusts as hereinbefore defined.

6. The word "individual" in so far as it is included in the definition of a "company" includes only persons selling, offering for sale, negotiating for the sale of or taking subscriptions for any security as hereinafter defined in subdivision eight of this section, of their own issue. "Individual."

7. The word "security" includes:

"Security."

(a) All shares or other interests or rights into which the capital, capital stock, or property of companies or rights of stockholders or members thereof are divided, including all treasury shares and shares of their own capital stock purchased or otherwise acquired by companies upon delinquent assessment sales or in any other lawful manner, and all certificates and other instruments issued by them or their authority, evidencing or representing such shares, interests, or rights;

(b) Any instrument offered to the public by a "company" evidencing or representing any right to participate or share in oil, gas or other hydrocarbon substances or other minerals of any sort, as yet undeveloped, or in the proceeds of sale thereof;

(c) All bonds, debentures, and evidences of indebtedness issued by any company; and

(d) Any instrument offered for sale, or sold, or issued, to the public by any company, evidencing or representing any right to participate or share in the profits, earnings or income, gross or net, derived from the assets, or any thereof, of any business carried on for profit or in the distribution of such assets; excepting therefrom any lease, not offered to the public, whereby the lessee obtains the right to use or control the property leased and to receive for his use, in whole or in part, the profits, earnings or income derived from the property so leased; and further excepting therefrom the following:

1. Bills of exchange and promissory notes not offered to the public by the drawer, maker, or underwriter thereof, and all mortgages and deeds of trust of property situated in this state, executed to secure the payment thereof; and

2. Any security listed in any standard manual of information, as to which the commissioner shall first make and file his written finding to the effect that such security is fully and accurately described in such manual and that a sale thereof will not, in his opinion, work a fraud upon the purchaser thereof; *provided*, that if such finding shall thereafter be vacated or set aside, such security shall not thereafter be deemed to be included within this exception.

"Security"
as it applies
to "individ-
uals."

8. The word "security," in so far as it applies to "individuals," includes:

(a) Any instrument offered to the public by an "individual" evidencing or representing any right to participate or share in oil, gas or other hydrocarbon substances or other minerals of any sort, as yet undeveloped, or in the proceeds of sale thereof;

(b) All bonds, debentures, and evidences of indebtedness offered to the public by an "individual"; and

(c) Any instrument offered for sale, or sold, or issued, to the public by an "individual," evidencing or representing any right to participate or share in the profits, earnings or income, gross or net, derived from the assets, or any thereof, of any business carried on for profit or in the distribution of such assets; excepting therefrom any lease, not offered to the public, whereby the lessee obtains the right to use or control the property leased and to receive for his use, in whole or in part, the profits, earnings or income derived from the property so leased.

"Sale."

9. A "sale," within the meaning of this act, includes every contract, by which, for a pecuniary consideration, called a price, one transfers to another an interest in property, and also an exchange, a pledge, a hypothecation, and any transfer in trust or otherwise as security for the performance of an obligation, and also any issue of any security by a company; and the word "sell," as used in this act, includes every act by which such sale is made; *provided, however*, that the execution or delivery of a certificate or certificates in exchange for a

certificate or certificates evidencing a like aggregate par value of its shares of the same class theretofore legally issued by it, provided that the nature and extent of any preferences of such shares theretofore issued have not been changed, shall not be construed to be a sale.

10. The word "agent," as used in this act, means and "Agent." includes every person or company employed or appointed by a company or broker who shall, within this state, either as an employee or otherwise, for a compensation, sell, offer for sale, negotiate for the sale of or take subscriptions for any "security" of any company.

11. The word "broker," as used in this act, includes every "Broker." person or company, other than an agent, who shall, in this state, engage either wholly or in part in the business of selling, offering for sale, negotiating for the sale of, or otherwise dealing in any "security" or "securities" issued by others, or of underwriting any issue of "securities," or of purchasing such "securities" with the purpose of re-selling them, or of offering them for sale to the public. The word "securities," as used in this paragraph, includes the following "securities" issued by "individuals":

Any instrument offered to the public by an "individual" evidencing or representing any right to participate or share in oil, gas or other hydrocarbon substances or other minerals of any sort, as yet undeveloped, or in the proceeds of sale thereof;

Any instrument offered for sale, or sold, or issued, to the public by an "individual," evidencing or representing any right to participate or share in the profits, earnings or income, gross or net, derived from the assets, or any thereof, of any business carried on for profit or in the distribution of such assets; excepting therefrom any lease, not offered to the public, whereby the lessee obtains the right to use or control the property leased and to receive for his use, in whole or in part, the profits, earnings or income derived from the property so leased; and

All bonds, debentures and evidences of indebtedness offered to the public by an "individual."

The following are excepted from the provisions of this paragraph eleven:

(a) Any owner of any security who is not the issuer or an underwriter thereof, who sells or exchanges the same for his own account; *provided*, that such sale or exchange is not made in the course of repeated and successive transactions of like or similar character by him;

(b) Any trustee of a trust created by or declared in a will or a judicial writ, order, decree or judgment, who in such capacity, lawfully disposes of any property;

(c) Any company transacting a banking or insurance business in this state, selling a security for an owner thereof or a broker, other than an underwriter thereof, at a commission of not more than two per cent of the par or face value thereof;

provided, such sale is not made in the course of repeated and successive transactions of like or similar character by such company.

(d) One, not the issuer, who disposes of securities to a broker or to a purchaser who, as a part of his regular business purchases such securities;

(e) Any pledge holder selling, in good faith and not for the purpose of avoiding the provisions of this act, and in the ordinary course of business, a security pledged with him as security for a bona fide debt.

"Fraud."

12. The word "fraud" as used in this act, is defined in sections one thousand five hundred seventy-two and one thousand five hundred seventy-three of the Civil Code.

13. The words "domestic corporation" as used in this act mean corporations organized under the laws of the State of California.

Stats. 1917,
p. 676,
amended.

SEC. 2. Section four of said act, as amended, is hereby amended to read as follows:

Examination
of applica-
tion and
action
thereon.

Sec. 4. Upon the filing of such application, it shall be the duty of the commissioner to examine it and the other papers and documents filed therewith, and he may, if he deems it advisable, make or have made a detailed examination, audit, and investigation of the applicant and its affairs. If he finds that the proposed plan of business of the applicant is not unfair, unjust, or inequitable, that it intends to fairly and honestly transact its business, and that the securities that it proposes to issue and the methods to be used by it in issuing or disposing of them are not such as, in his opinion, will work a fraud upon the purchaser thereof, the commissioner shall issue to the applicant a permit authorizing it to issue and dispose of securities, as therein provided, in this state, in such amounts and for such considerations and upon such terms and conditions as the commissioner may in said permit provide. Otherwise, he shall deny the application and refuse such permit and notify the applicant in writing of his decision. Every permit shall recite in bold type that the issuance thereof is permissive only and does not constitute a recommendation or endorsement of the securities permitted to be issued. The commissioner may impose conditions requiring the deposit in escrow of securities, the impoundment of the proceeds from the sale thereof, limiting the expense in connection with the sale thereof and such other conditions as he may deem reasonable and necessary or advisable to insure the disposition of the proceeds of such securities in the manner and for the purposes provided in such permit. The commissioner may, from time to time for cause, amend, alter or revoke any permit issued by him, or temporarily suspend the rights of the applicant under such permit. The commissioner shall have the power to establish such rules and regulations as may be reasonable or necessary to carry out the purposes and provisions of this act.

Control over
permits.

Regulations.

SEC. 3. Section five of said act, as amended is hereby amended to read as follows:

Stats. 1923,
p. 80,
amended.

Sec. 5. No person or company shall act as an agent or broker until such person or company shall have first applied for and secured from the commissioner a certificate, then in effect, authorizing such person or company so to do. Every such certificate shall expire on the thirty-first day of December next after its issuance, unless sooner suspended or revoked. To secure such certificate, the applicant shall make and file in the office of the commissioner an application therefor in writing, verified by or in behalf of the applicant. In such application, the applicant shall set forth, in addition to such other information as may be required by the commissioner:

Certificate
of agent or
broker.

1. The name and address of the applicant, and if it be a corporation, association, or joint stock company, the name and address of each of its managing officers and agents, and, if it be a partnership, the name and address of each of the partners;

2. A succinct statement of facts showing that the applicant, and its managing officers and agents, if it be a corporation, or members, if it be a partnership, have a good business reputation;

3. If the applicant is a broker, the general plan and character of the business of the applicant.

At the time of filing an application for a broker's certificate, the applicant shall file with the commissioner of corporations a good and sufficient bond for five thousand dollars, payable to the people of the State of California, for the use and benefit of any interested person, executed by said applicant and by sufficient surety or sureties, and to be approved by the commissioner of corporations. Said bond shall be conditioned upon the strict compliance with the provisions of this act, and the honest and faithful application of all funds received and the faithful and honest performance of all obligations and undertakings in the purchase or sale of securities, by said broker, his agents and employes. Said bond shall be further conditioned upon the payment of all damages suffered by any person damaged or defrauded by reason of the violation of any of the provisions of this act, or by reason of any fraud connected with or growing out of any transaction contemplated by the provisions of this act. Any person who sustains an injury covered by such bond, may in addition to any other remedy that he may have, bring an action in his own name upon said bond for the recovery of any damages sustained by him. Upon such action being commenced the commissioner of corporations may in his discretion, require the filing of a new bond, and immediately upon the recovery in any action on such bond, such broker shall file a new bond, and upon failure to file the same within ten days in either case such failure shall constitute sufficient grounds for the suspension or revocation of such broker's certificate.

Bond.

Where applicant a foreign corporation or association.

For filing such application, the applicant shall pay a fee as hereinafter provided. If the applicant is a corporation or association organized under the laws of any other state, territory, or government, it shall file with its application a copy of its articles of incorporation or association, together with a certificate executed by the proper office of such state, territory, or government not more than thirty days before the filing of such application, showing that such applicant is authorized to transact business in such state, territory, or government, and also in such form as the commissioner may prescribe, its written instrument, irrevocably appointing the commissioner and his successor in office its true and lawful attorney upon whom all process in any action or proceeding against it, arising out of or founded upon the fraud of such applicant in the sale of securities within this state, or in any action upon any bond provided by this section, may be served, with the same effect as if said corporation or association were organized or created under the laws of this state and had been lawfully served with process therein.

Stats. 1917, p. 677, amended.

SEC. 4. Section six of said act, as amended, is hereby amended to read as follows:

Issuance, suspension and revocation of certificates.

Sec. 6. The commissioner shall examine such application, and shall make such further investigation of the applicant and its affairs as he shall deem advisable. If, from such examination, the commissioner shall be satisfied of the good business reputation of the applicant and of its officers or members, if any, that the sale of the securities proposed to be sold by it would not be unfair, unjust or inequitable to the purchasers thereof, that neither it nor its officers or members have violated any of the provisions of this act and that neither it nor its officers or members have engaged or are about to engage in any fraudulent transaction he shall issue such certificate. Otherwise, he shall refuse the same and deny the application and notify the applicant of his decision. The commissioner may at any time temporarily suspend or revoke any broker's or agent's certificate issued by him if he shall find that the holder thereof is of bad business repute, or has violated any provision of this act, or has engaged, or is about to engage in any fraudulent transaction.

Stats. 1917, p. 678, amended.

SEC. 5. Section seven of said act, as amended, is hereby amended to read as follows:

Issuance of advertisements, etc.

Sec. 7. No person, partnership, association, or corporation, other than a broker holding a broker's certificate, then in effect, shall issue, circulate, or publish any advertisement, pamphlet, prospectus, or circular concerning any security, to be issued by any company, that such person, partnership, association, or corporation desires or proposes to sell, until the company proposing to issue such security shall have first secured from the commissioner a permit authorizing it to issue or sell such security; nor shall any company, broker, or agent, or any other person, issue, circulate, or publish any advertisement, pamphlet, prospectus, or circular concerning any secur-

ity sold or offered for sale by it, unless the name of the company, broker, agent, or person issuing, circulating, or publishing the same shall be subscribed thereto, and a true copy thereof shall have been first filed in the office of the commissioner at least one day prior thereto; *provided, however*, that the filing of a copy of such advertisement, pamphlet, prospectus or circular, as herein provided, shall not be required in any case in which the commissioner shall have authorized or consented to the issuance, circulation or publication thereof; nor shall any company, broker or agent, or any other person, issue, circulate, or publish any such advertisement, pamphlet, prospectus, or circular after notice in writing given to it by the commissioner that, in his opinion, the same contains any statement that is false or misleading or otherwise likely to deceive a reader thereof.

SEC. 6. Section nine of said act, as amended, is hereby amended to read as follows:

Stats. 1917,
p. 678,
amended.

SEC. 9. Every broker shall, at such times as it may be required by the commissioner, make and file in the office of the commissioner a true and correct statement concerning any security sold or offered for sale by such broker, showing the name and location of the principal office of the issuer of such security; the names of its managing officers, if it is a corporation, or of its members, if it is a partnership; its assets, liabilities, and issued capital stock, at the close of its fiscal year then last ended, or at a later date; its gross income, expenses, and fixed charges for the year next preceding such date, or for such time as such issuer of such security has transacted business, if for less than one year, and the approximate price at which such broker has sold or proposes to sell such security, together with such other information, of which the broker may have knowledge, as the commissioner may require, nor shall any broker sell or offer for sale any security after notice in writing given to it by the commissioner that in his opinion, the sale thereof would be unfair, unjust or inequitable to the purchaser thereof, unless the commissioner shall subsequently in writing withdraw such objection to the sale thereof.

Statement
by broker
concerning
securities.

SEC. 7. Section eleven of said act, as amended, is hereby amended to read as follows:

Stats. 1917,
p. 679,
amended.

SEC. 11. Every order, decision, permit or other official act of the commissioner shall be subject to review, in accordance with the provisions of chapter one of title one of part three of the Code of Civil Procedure. Upon such review, the burden of proof shall lie upon the appellant, and the court shall receive and consider any pertinent evidence, whether oral or documentary, concerning the action of the commissioner under review, but shall be limited to a consideration and determination of the question whether there has been an abuse of discretion on the part of the commissioner in making such order, decision, or permit.

Review of
orders, etc.,
of commis-
sioner.

Stats. 1917,
p. 879,
amended.

Offenses com-
mitted by
company.

SEC. 8. Section thirteen of said act, as amended, is hereby amended to read as follows:

Sec. 13. Every company which shall directly or indirectly offer for sale, or negotiate for the sale of or sell, or issue, or cause to be issued any security contrary to the provisions of this act, or of the constitution of this state, or in nonconformity with a permit of the commissioner authorizing the same, or which applies the proceeds from the sale thereof, or any part thereof, to any purpose other than the purpose or purposes, if any, specified in such permit, or to any purpose specified in such permit in excess of any amount limited in such permit to be used for such purpose, shall be guilty of a public offense and shall be punishable by a fine not exceeding ten thousand dollars.

Stats. 1917,
p. 880,
amended.

Offenses
committed
by officers,
etc.

SEC. 9. Section fourteen of said act, as amended, is hereby amended to read as follows:

Sec. 14. Every officer, agent, or employee of any company, and every other person, who knowingly authorizes, directs, or aids in the issue or sale of, or issues or executes, or sells, or causes or assists in causing to be issued, executed, or sold, any security, in nonconformity with a permit of the commissioner then in effect authorizing such issue, or contrary to the provisions of this act, or of the constitution of this state, or who, in any application to the commissioner, or in any proceeding before him, or in any examination, audit, or investigation made by him or his authority, knowingly makes any false statement or representation, or who, with knowledge of its falsity, files or causes to be filed in the office of the commissioner any false statement or representation concerning such company or the property which it then holds or proposes to acquire, or concerning its officers or its financial condition or other affairs, or concerning its proposed plan of business, or who, with knowledge of the falsity of any such statement or representation, issues, executes, or sells, or causes to be issued, executed, or sold, any security, without first informing the commissioner of the falsity of such statement in writing, or who, directly or indirectly, knowingly applies, or causes or assists in causing to be applied, the proceeds, or any part thereof, from the sale of any security to any purpose contrary to the provisions of the permit authorizing the issue of such security, or to any purpose specified in such permit in excess of any amount limited in such permit to be used for such purpose, or who, with knowledge that any security has been issued or executed, in violation of any of the provisions of this act, sells or offers the same for sale, or who, with knowledge that any advertisement, pamphlet, prospectus, or circular concerning any security contains any statement that is false or misleading, or otherwise likely to deceive a reader thereof, issues, circulates, or publishes the same, or shall cause the same to be issued, circulated, or published, or who, in any other respect, wilfully violates or fails to comply with any of the provisions of this act, or who, in any other respect,

wilfully violates or fails, omits, or neglects to obey, observe, or comply with any order, permit, decision, demand, or requirement, or any part or provision thereof, of the commissioner under the provisions of this act, or who with one or more other persons conspires to violate any permit or order issued by the commissioner or any of the provisions of this act, is guilty of a public offense and shall be punished by imprisonment in the state prison not exceeding five years, or in a county jail not exceeding two years, or by a fine not exceeding five thousand dollars, or by both such fine and imprisonment.

SEC. 10. Section seventeen of said act, as amended, is hereby amended to read as follows:

Stats. 1917,
p. 681,
amended.

Sec. 17. The commissioner shall at all times have the power to administer oaths and to make an examination or investigation of the books, records, accounts, and other papers, and of the business of any company, broker, or agent theretofore permitted or authorized by him to sell securities, to make dividends, to create debts, to divide, withdraw, or pay to the stockholders, or any of them, any part of its capital stock, or to increase or reduce its capital stock; or of any company, broker or agent, or any other person who the commissioner has reason to believe has violated or is about to violate any of the provisions of this act. Such power shall not be terminated by the suspension or revocation of any permit, order, or certificate theretofore issued by him. In any examination, audit, or investigation made or hearing conducted by him, he shall have the power to take the testimony of any witness and to issue subpoenas, requiring the attendance upon such examination, audit, investigation, or hearing in any part of the state of witnesses and the production of books, documents, and other things under their control, and in any such case to take or cause to be taken the deposition of any witness residing within or without this state, the commissioner may pay out of the revolving fund to any witness subpoenaed by him the necessary and reasonable traveling expenses of such witnesses from his place of residence to the place of hearing or investigation and return and a per diem of two dollars for each day that such witness is in attendance at or en route to and from such place of hearing or investigation in obedience to such subpoena.

Powers of
commissioner
regarding
investiga-
tions.

All of the provisions of chapter two of title three of part four of the Code of Civil Procedure, relating to the means of production of evidence out of court, shall be applicable to any examination, investigation, or hearing under this act. No person shall be excused from testifying or from producing any book, document, or other thing under his control upon any such examination, audit, investigation, or hearing upon the ground that his testimony, or the book, document, or other thing required of him, may tend to incriminate him, or may have a tendency to subject him to punishment for a felony, or to a penalty or forfeiture; but no person shall be prosecuted, punished, or subjected to any penalty or for-

Production
of evidence.

feiture for or on account of any act, transaction, matter, or thing concerning which he shall have been so compelled to testify under oath; *provided*, that no person so testifying shall be exempt from prosecution or punishment for perjury if committed by him in his testimony. The authority to make or conduct any such examination, audit, investigation, or hearing, including the authority to administer oaths, and to subpoena witnesses and take their testimony, may be delegated by the commissioner to any deputy or examiner appointed by him for that purpose. Such appointment shall be made by an instrument in writing, signed by the commissioner under his official seal, and upon such examination, audit, investigation, or hearing, the same shall be produced by such deputy or examiner at any time upon demand therefor.

Appointing
deputy to
conduct
investiga-
tions.

Stats. 1917,
p. 682,
amended.
Service of
process.

SEC. 11. Section eighteen of said act, as amended, is hereby amended to read as follows:

SEC. 18. In any action or proceeding commenced or prosecuted in this state against any corporation or association which shall have appointed the commissioner its attorney, as provided in section three of this act, and in any action or proceeding commenced or prosecuted in this state, arising out of or founded upon the fraud of any corporation or association which shall have appointed the commissioner its attorney, as provided in section five of this act, service of process may be made upon the commissioner. In any such case, the commissioner shall forthwith forward by mail, postage prepaid, to the person designated by such corporation or association by an instrument in writing duly executed by it and filed with the commissioner, at the address stated in such instrument, or, if no such designation has been made, to the secretary of such corporation or association at its last known post-office address, a copy of such process; whereupon, and upon the payment of the fee herein provided for, service of such process upon such company shall be deemed to be complete and to be personal service upon such corporation or association, with the same effect as if said corporation or association were organized or incorporated under the laws of this state and had been lawfully served with process therein. The certificate of the commissioner, under his official seal, of such service, shall be competent and sufficient proof thereof.

Stats. 1921,
p. 1118,
amended.

Subscription
for shares
prior
to incorpo-
ration.

SEC. 12. Section twenty-five of said act, as amended, is hereby amended to read as follows:

SEC. 25. Neither this act nor any provision hereof shall be deemed to prohibit subscriptions for shares of a domestic corporation made prior to the incorporation thereof and set forth in the articles of incorporation; but such subscription shall be deemed to have been made and accepted upon the condition that such corporation shall be incorporated within ninety days thereafter and, when incorporated, shall with reasonable diligence apply for and secure from the commissioner a permit authorizing the issue of the shares so subscribed for, in accordance with such subscriptions; *provided*,

however, that except as may be specifically required by any law of this state, nothing herein contained shall be construed as permitting the collection of any portion of the consideration to be paid on account of such subscriptions, unless and until a permit shall have been issued by the commissioner authorizing such collection; nor except as may be specifically required by any law of this state, nothing herein contained shall be construed as permitting the taking of subscriptions for any security of any company other than a domestic corporation or to make collection of any portion of the consideration to be paid on account of subscriptions unless and until a permit shall have been issued by the commissioner authorizing the taking of such subscriptions or the collection thereof. The directors or trustees named in the articles of incorporation may, prior to the issue of any shares, organize by the election of a president, who must be one of their number, a secretary and a treasurer; and such directors, or a majority of them or such president and secretary may, in the name of and in behalf of the corporation, present an application to the commissioner as herein provided.

CHAPTER 448.

An act to amend section eighteen of an act known as the "Los Angeles county flood control act," approved June 12, 1915, as amended, relating to the issuance of additional bonds.

[Approved by the Governor May 23, 1925.]

The people of the State of California do enact as follows:

SECTION 1. Section eighteen of an act entitled "An act known as the 'Los Angeles county flood control act,' approved June 12, 1915." is hereby amended to read as follows:

Stats. 1915,
p. 1511,
amended.

Sec. 18. Whenever said board of supervisors shall by resolution duly passed by vote of four-fifths of all its members determine that the public interest or necessity of said district demands the issuance by said district of additional bonds for carrying out the work of flood control, water conservation or for any of the purposes of this act, said board of supervisors may again proceed as in this act provided, and have a report made and filed as provided for in section four of this act, and may then submit to the qualified voters of said district the question of issuing additional bonds in the same manner and with like procedure as hereinbefore provided, and all the above provisions of this act for the issuing and sale of such bonds and for the expenditure of the proceeds thereof shall be deemed to apply to such issue of additional bonds.

Issuance of
additional
bonds.

CHAPTER 449.

An act to amend section four thousand two hundred forty-seven of the Political Code, relating to salaries and fees of officers in counties of the eighteenth class.

[Approved by the Governor May 23, 1925.]

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:

Counties of
18th class:
salaries and
fees of
officers.

4247. In counties of the eighteenth class the county officers shall receive as compensation for services required of them by law or by virtue of their offices, the following salaries, to wit:

Attorney.

1. District attorney. The district attorney, three thousand six hundred dollars per annum for all services; *provided*, that in counties of this class there shall be and is hereby allowed to the district attorney the following deputies and a stenographer, whose offices are hereby created and who shall be appointed by the district attorney and shall be paid salaries as follows: One deputy at a salary of one thousand eight hundred dollars per annum, two deputies at a salary of one thousand five hundred dollars per annum each, one stenographer at a salary of one thousand two hundred dollars per annum, and such additional deputies as the district attorney may require and appoint whose compensation shall not exceed in the aggregate the sum of six 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 district attorney is paid.

Sheriff.

2. A sheriff. The sheriff, four thousand dollars per annum; *provided*, that in counties of this class there shall be and hereby is allowed to the sheriff the following deputies and assistants which shall be appointed by the sheriff: One chief deputy at one hundred seventy-five dollars per month; three deputies at one hundred fifty dollars per month; one deputy to serve as jailer at one hundred fifty dollars per month; *provided, also*, that in case a second superior court is granted to counties of this class, there shall be allowed to the sheriff an additional deputy to be appointed by the sheriff at a salary of one hundred fifty dollars per month.

The salaries of said deputies shall be paid by said county at the same time and in the same manner and out of the same funds as the salary of the sheriff is paid; *provided, further*, that there shall be allowed the said sheriff and his deputies the actual traveling expenses in attending to the duties of the office both civil and criminal including his necessary expenses for pursuing criminals or transacting any criminal business. *Provided, further, also*, that the sheriff shall be allowed four additional deputies as motor patrol officers, each of whom shall be paid two hundred dollars per month, which deputies, as

motor patrol officers, shall furnish their own motorcycles or other machines and pay for their upkeep and maintenance. The salaries of said deputies as motor patrol officers shall be paid by said county at the same time and in the same manner and out of the same funds as the salary of the sheriff. All fees, commissions and mileage (received by the sheriff) shall be turned over to the county and become the property of the county.

3. The county clerk. The county clerk, four thousand **Clerk.** 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 two thousand one hundred dollars per annum, one deputy clerk at a salary of one thousand eight hundred dollars per annum, and three deputy clerks at a salary of one thousand five hundred dollars per annum each. The salaries of the deputies herein provided for shall be paid by said county in equal monthly installments at the time and in the same manner and out of the same funds as the salary of the county clerk; *provided, also*, that in counties of this class there shall be and is hereby allowed to the county clerk such additional clerks and assistants as the county clerk may require, and whose compensation in the aggregate shall not exceed one thousand five hundred dollars in any one year, and he shall also receive an additional sum of ten cents per name for each affidavit for registration taken outside the office by deputy registration clerks; claims for the services of such additional clerks and assistants and for registration outside of his office shall be presented to and allowed by the board of supervisors as other claims against the county are presented and allowed. *Provided, however*, that, in case provision is not made for a second superior court in counties of this class, one deputy above provided for at a salary of one thousand eight hundred dollars per annum, shall not be allowed.

4. An auditor. The auditor, three thousand six hundred **Auditor.** dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the auditor one chief deputy, at a salary of one thousand nine hundred twenty dollars per annum and one deputy at a salary of one thousand eight hundred dollars per annum; said deputies shall be appointed by said auditor and said salaries shall be paid by the county in monthly installments at the same time and in the same manner and out of the same funds as the salary of the auditor is paid; *provided, also*, that in counties of this class there shall be and is hereby allowed to the auditor such additional clerks and assistants as the auditor may require, and whose compensation in the aggregate shall not exceed one thousand two hundred dollars in any one year. Claims for the services of such additional clerks and assistants to be allowed and paid as other claims against the county are allowed and paid.

Treasurer. 5. A treasurer. The treasurer one thousand eight hundred dollars per annum.

Recorder. 6. A recorder. The recorder, three thousand six 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 one thousand eight hundred dollars per annum and three deputies at a salary of one thousand five hundred dollars per annum each; said salaries to be paid by said counties in monthly installments at the same time and in the same manner and out of the same funds as the salary of the recorder is paid; *provided, also*, that in counties of this class there shall be and is hereby allowed to the recorder such additional clerks and assistants as the recorder may require, and whose compensation in the aggregate shall not exceed two thousand dollars in any one year; *and provided, further*, that such clerk or clerks as may be necessarily employed to enable the recorder to perform the duties devolved upon him by the provisions of the Torrens land title act, shall be paid one hundred twenty-five dollars per month each. The compensation of attorneys employed under section one hundred eight of said title act shall not exceed twenty-five dollars per day for each day actually devoted to the duties of such employment. Claims for such additional clerks and assistants to be allowed and paid as other claims against the county are allowed and paid. All fees, commissions and mileage shall be deposited in the county treasury to the credit of the salary fund.

Tax collector.

7. A tax collector who shall also be license collector. The tax collector, who shall also be license 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 hereby is allowed to the tax collector one deputy who shall be appointed by said tax collector, at a salary of one thousand nine hundred twenty 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 funds as the salary of the tax collector is paid; *also provided*, that the said tax collector shall be allowed such additional deputies and assistants as he may require and whose compensation in the aggregate shall not exceed the sum of one thousand eight hundred dollars in any one year. Claims for services of such additional clerks and assistants to be allowed and paid as other claims against the county are paid. All commissions and fees of whatever character of the tax collector shall be paid in the county treasury.

Assessor.

8. The assessor, who shall also be poll tax collector, four thousand dollars per annum, which shall be in full compensation for all services rendered by him; *provided*, that in counties of this class there shall be and is hereby allowed to the assessor one chief office deputy at two thousand one

hundred dollars per year, one chief field deputy at two thousand one hundred dollars per year, one deputy for seven months at one hundred fifty dollars per month, one deputy for four months at two hundred dollars per month, one deputy for four months at one hundred twenty-five dollars per month, one deputy for four months at one hundred dollars per month, and nine deputies for four months at one hundred fifty dollars per month, each during each fiscal year whose offices are hereby created and who shall be appointed by the assessor and be paid by the county in monthly installments at the same time and in the same manner and out of the same funds as the assessor is paid; *and provided, further*, that said assessor shall be allowed such additional clerks and assistants as he may require and whose compensation in the aggregate shall not exceed the sum of two thousand dollars in any one year. Claims for the services of such additional clerks and assistants to be allowed and paid as other claims against the county are paid; *and, provided*, that the assessor shall be allowed his actual traveling expenses, including the expense of operating and maintaining an automobile and depreciation of the same, when engaged in attending to official business, not exceeding the sum of six hundred dollars in any one year, claims for which expenses shall be allowed and paid as other claims against the county are paid. All commissions or fees heretofore or now allowed by law to the assessor, shall be paid by him into the county treasury.

9. The superintendent of schools, three thousand six hundred dollars per annum, which shall be inclusive of such fees as may be allowed the superintendent of schools when acting as secretary of the county board of education, and in addition hereto the superintendent of schools shall be allowed actual traveling expenses when visiting the schools of his or her county as provided by law; *provided, also*, that in counties of this class there shall be and is hereby allowed to the superintendent of schools one deputy, who shall be appointed by the superintendent of schools and paid a salary of one hundred sixty dollars per month; said salary shall be paid by the county in equal monthly installments at the same time and out of the same fund as the county superintendent of schools is paid; *provided, further*, that said superintendent of schools shall be allowed such additional clerks and assistants as he may require and whose compensation in the aggregate shall not exceed the sum of five hundred dollars per year. Claims for the services of such additional clerks and assistants shall be allowed and paid from the same fund as the salary of the county superintendent of schools is paid. Supt. of schools.

10. The coroner, such fees as are now or may be hereafter allowed by law. Coroner.

11. The public administrator, such fees as are now or may be hereafter allowed by law. Public administrator.

Surveyor.

12. The county surveyor and ex officio civil engineer, for all services required of him as county surveyor and civil engineer and also for all services which may be required of him as a road engineer, shall receive three thousand dollars per annum and actual traveling expenses while attending to official business, and necessary expenses for himself and assistants in the field and office while engaged on public work; *provided*, that in counties of this class there shall be and there is hereby allowed the county surveyor one deputy who shall be appointed by said county surveyor at a salary of one hundred fifty dollars per month, and such other assistants as he may need and appoint, said deputy to be paid at the same time and in the same manner and out of the same funds as the salary of the county surveyor is paid and said assistants to be paid as other claims against the county are paid; *provided, further*, 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 such additional field and office assistants as may be deemed necessary. Claims for the services of such additional clerks and assistants to be allowed and paid as other claims against the county are allowed and paid.

Justices of
the peace.

13. The justices of the peace shall receive the following monthly salaries, to be paid each month in the same manner and at the same time and out of the same funds as other county officers are paid, which shall be in full for all services rendered by them in civil and criminal cases. In townships having a population of more than fifteen thousand, one hundred twenty dollars per month; in townships having a population of five thousand and not over fifteen thousand, one hundred dollars per month; in townships having a population of over four thousand and not over five thousand, sixty dollars per month; in townships having a population over three thousand and not over four thousand, fifty dollars per month; in townships under three thousand, twenty-five dollars per month; *provided, however*, that each of said justices shall be furnished with an office and necessary supplies by the board of supervisors of said county. For the purposes of this section the population of townships in counties of this class is hereby determined to be the population of such townships as shown by the federal census taken A. D. 1920.

Constables.

14. Constables shall receive the following monthly salaries, to be paid each month and in the same manner and at the same time and out of the same funds as other county officers are paid, which shall be in full for all services rendered by them in criminal cases; in townships having a population of more than ten thousand, ninety dollars per month; in townships having a population of five thousand and not over ten thousand, seventy-five dollars per month; in townships having a population of four thousand and not over five thousand, fifty dollars per month; in townships having a population of three thousand and not over four thousand, forty dollars per month; in townships

having a population of under three thousand, twenty-five dollars per month. In addition to the above compensation received in criminal cases, each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil cases. Constables shall also be allowed all necessary expenses incurred in conveying prisoners. For the purposes of this section the population of townships in counties of this class is hereby determined to be the population of such townships as shown by the federal census taken A. D. 1920.

15. Each supervisor for all services required of him as supervisor and ex officio road commissioner, one thousand five hundred dollars per annum and twenty cents per mile for traveling from his residence to the county seat to attend meetings of the board of supervisors. No other mileage or remuneration and no traveling expenses shall be allowed. Supervisors.

CHAPTER 450.

An act to add a new section to the Political Code, to be numbered section seven hundred thirty-eight b, relating to salaries of judges of the superior court of the counties of Humboldt, Mendocino, Siskiyou and Lake.

[Approved by the Governor May 23, 1925.]

The people of the State of California do enact as follows:

SECTION 1. There is hereby added a new section to the Political Code of the State of California, to be numbered section seven hundred thirty-eight b, and to read as follows:

738b. The annual salaries of the judges of the superior court of the State of California in and for the counties of Humboldt, Mendocino and Siskiyou shall be five thousand dollars; of the county of Lake shall be four thousand dollars; one-half of which shall be paid by the state, and the other half thereof by the county for which the judge is elected or appointed. Superior
Judges
of Humboldt,
Mendocino,
Siskiyou and
Lake
counties.

CHAPTER 451.

An act to amend section five hundred twenty-nine of the Civil Code, relating to bridge, ferry, wharf, chute and pier corporations.

[Approved by the Governor May 23, 1925.]

The people of the State of California do enact as follows:

SECTION 1. Section five hundred twenty-nine of the Civil Code is hereby amended to read as follows:

529. Every such corporation ceases to be a body corporate: Corporate
existence
ceases,
when.
1. If, within six months from filing its articles of incorporation, it has not obtained such authority from the board of supervisors, or other governing body having authority in that

behalf; and if, within one year thereafter, it has not commenced the construction of the bridge, wharf, chute, or pier, and if, within two years after obtaining such authority, there has not been actually expended thereon a sum equal to at least ten per cent of the issued capital stock of the corporation obtaining such authority;

2. If within seven years from the time that authority to construct the bridge, wharf, chute, or pier was granted by the board of supervisors, or within such further time as said board may lawfully grant the bridge, wharf, chute, or pier is not completed; *provided, however*, that the board of supervisors may from time to time by order extend the time of completion beyond seven years, if the actual and physical work of constructing such bridge, wharf, chute, or pier has been diligently prosecuted from the time of commencement thereof up to the time that application for such extension or extensions beyond seven years is presented to the board of supervisors.

3. If, when the bridge, wharf, chute, or pier of the corporation is destroyed, it is not reconstructed and ready for use within three years thereafter;

4. If the ferry of any such corporation is not in running order within one year after authority is obtained to establish it, or if at any time thereafter it ceases for a like term consecutively to perform the duties imposed by law.

CHAPTER 452.

An act to amend section twelve of an act entitled "An act to promote drainage," approved March 18, 1885, as amended, and to add two new sections thereto, to be numbered nineteen a and nineteen b, relating to assessments for drainage purposes.

[Approved by the Governor May 23, 1925.]

The people of the State of California do enact as follows:

Stats. 1885,
p. 205,
amended.

SECTION 1. Section twelve of an act entitled "An act to promote drainage," approved March 18, 1885, as amended, is hereby amended to read as follows:

Further
assessment.

Sec. 12. If the original assessment is insufficient to provide for the complete drainage of the lands of the district, or if further assessments are, from time to time, required to provide for the protection, maintenance and repairs of the drainage works, the trustees must present to the board of supervisors of the county by which the district was formed, a statement of the work done or to be done, and its estimated cost, and such board must make an order directing the commissioners who made the original assessment, or other commissioners to be named in such order, to assess the amount of such estimated cost as a charge upon the lands within the district, which

assessment must be made and collected in the same manner as the original assessment.

SEC. 2. A new section is hereby added to said act, approved March 18, 1885, as amended, to be numbered nineteen *a*, and to read as follows:

Stats. 1885,
p. 206,
amended.

Sec. 19*a*. The board of trustees shall have power to reapportion the assessment or assessments upon any tract of land that has been subdivided into smaller parcels in such manner as will charge each of said smaller parcels with a just proportion of the assessment or assessments previously made upon said tract so subdivided.

Reapportion-
ment of
assessments.

SEC. 3. A new section is hereby added to said act, approved March 18, 1885, as amended, to be numbered nineteen *b*, and to read as follows:

Stats. 1885,
p. 206,
amended.

Sec. 19*b*. In all cases in which an assessment shall have been levied or shall hereafter be levied for drainage purposes upon the lands embraced within any drainage district now or hereafter formed or created under this act, is thereafter adjudged invalid as to any tract or tracts of land within said district, or if, for any reason, any tract or tracts of land within such district shall not have been charged with said assessment, a new assessment on the lands of the district may be levied for the purpose of raising the amount for which said invalid assessment was levied and any further sum then required or found necessary, and such tract or tracts of land shall be charged in any such subsequent assessment with such proportion of the former assessment as the benefits derived by said land from the drainage 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 costs of drainage; *provided*, that in case any assessment that has been heretofore or shall hereafter be levied for drainage purposes upon the lands embraced within any such drainage district is so adjudged to be invalid either as a whole or as to any tract upon which it may have been levied, and any landowner of the district shall have paid the amount or any portion of the amount assessed in said assessment on any tract of land before said assessment shall have been or shall be so adjudged invalid, the amount so paid by said landowner, together with legal interest thereon from the date of such payment, shall be a credit, and shall be credited by the treasurer of the county where the assessment list is filed, on any subsequent assessment on the tract of land on which said invalid assessment was paid, and be applied in satisfaction, pro tanto of any such subsequent assessment thereafter levied on the said tract. Such subsequent assessment or reassessment shall be made by commissioners appointed by the board of supervisors by which the district was formed, and must be made in the same manner as other assessments.

New assess-
ment, where
original
invalid and
unpaid.

CHAPTER 453.

An act to add a new section, to be numbered seven hundred thirty-seven vv, to the Political Code, relating to the salary of the superior court judge of Placer county.

[Approved by the Governor May 23, 1925.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to the Political Code, to be numbered seven hundred thirty-seven vv, and to read as follows:

737vv. The annual salary of the judge of the superior court of the county of Placer is five thousand dollars, one-half of which shall be paid by the state and the other half thereof by the county for which the judge is elected or appointed.

Superior
judge of
Placer
county.

CHAPTER 454.

An act appropriating money to provide for the paving and improving of Stockton boulevard, fronting property owned and under option of the State of California, known as the state fair grounds.

[Approved by the Governor May 23, 1925.]

The people of the State of California do enact as follows:

SECTION 1. That the sum of nine thousand four hundred dollars or so much thereof as may be necessary is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be expended under the direction of the state agriculture society in accordance with law for the paving and improving of Stockton boulevard, fronting on property owned by and under option of the State of California, known as the state fair grounds, and located in Sacramento county.

Appropriation: paving
along state
fair grounds.

CHAPTER 455.

An act to add two new sections to the Political Code, to be numbered seven hundred thirty-seven w, and seven hundred thirty-eight b, relating to salaries of judges of the superior court in and for the counties of Santa Clara and Sacramento.

[Approved by the Governor May 23, 1925.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to the Political Code, to be numbered seven hundred thirty-seven w, and to read as follows:

737w. The annual salary of each of the judges of the superior court of the State of California in and for the

Superior
judges of
Santa Clara
county.

county of Santa Clara is six thousand dollars, one-half of which shall be paid by the state and the other half by the county for which the judge is elected or appointed.

SEC. 2. A new section is hereby added to the Political Code, to be numbered seven hundred thirty-eight *b*, and to read as follows:

738*b*. The annual salaries of the judges of the superior court of the State of California in and for the county of Sacramento shall be six thousand dollars, one-half of which shall be paid by the state, and the other half by the said county of Sacramento. Superior judges of Sacramento county.

CHAPTER 456.

An act to amend section four thousand two hundred eighty of the Political Code, concerning the duties, powers, and salaries of county and township officers of counties of the fifty-first class.

[Approved by the Governor May 23, 1925.]

The people of the State of California do enact as follows:

Section four thousand two hundred eighty of the Political Code is hereby amended to read as follows:

4280. Salaries of officers. In counties of the fifty-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: Counties of 51st class: salaries and fees of officers.

1. The county clerk, one thousand eight hundred dollars per annum and such fees as he may be by law allowed to retain; *provided*, that in counties of this class there shall be one deputy clerk who shall be appointed by the county clerk, to serve such times as may be required by the county clerk, and who shall receive a salary of fifty dollars per month, but not to exceed six hundred dollars in any one calendar year, which salary shall be paid by said county in the same manner and out of the same fund as the salary of the county clerk; *and provided*, that in any year when a new register of voters is required by law said county clerk may appoint such number of deputy clerks as may be necessary for the convenience of registration of voters, each of said deputies to receive the sum of ten cents per name for each elector registered by him whose name appears on the great register at the November election. Said sum to be paid out of the general county fund, on the presentation and filing with the board of supervisors of said county a duly verified claim therefor approved by the county clerk. Clerk.

2. The sheriff, two thousand four hundred dollars per annum, and the fees or commissions for the services of all papers issued by any court of the state outside of his county, and his actual and necessary traveling expenses while executing a warrant outside of his county issued by a magistrate or court within his county and his reasonable and necessary Sheriff.

expenses incurred in the performance of the duties of his office in criminal matters, said expenses to be allowed by the board of supervisors as other county charges are allowed; *provided*, that in counties of this class there shall be, and there is hereby allowed to the sheriff one deputy sheriff who shall be appointed by the sheriff, and who shall receive a salary of one thousand two hundred dollars per annum, which 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 sheriff is paid.

Recorder.

3. The recorder, one thousand six hundred dollars per annum; *provided*, that when the amount of fees collected by said recorder in any month shall exceed the sum of one hundred dollars, 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 collected by him in such month.

Auditor.

4. The auditor, one thousand eight hundred dollars per annum and the fees or commissions now or hereafter allowed by law.

Treasurer.

5. The treasurer, nine hundred dollars per annum and the fees or commissions now or hereafter allowed by law.

Tax collector.

6. The tax collector, one thousand five hundred dollars per annum and the fees or commissions now or hereafter allowed by law.

Assessor.

7. The assessor, one thousand eight hundred dollars per annum and the fees or commissions now or hereafter allowed by law; *provided*, he shall also have two deputies for a period of four months in each year, beginning March first and ending June thirtieth, at a salary of one hundred dollars per month each; said deputies to be appointed by the assessor, and the salaries of which shall be paid by said county at the same time and in the same manner, and out of the same funds as the salary of the assessor; *provided*, that the board of supervisors shall allow the traveling expenses of the assessor and his deputies, necessarily incurred in the performance of the duties of said office, not to exceed the sum of three hundred dollars per year, to be allowed and paid as other claims against the county are allowed and paid.

Attorney.

8. The district attorney, one thousand five hundred dollars per annum.

Coroner.

9. The coroner, such fees as are now or may be hereafter allowed by law.

Public administrator.
Supt. of schools.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, two thousand two hundred dollars per annum; *provided*, that he shall have one deputy for a period of two months in each year, during the time selected by such officer to assist in the office when the superintendent is visiting the schools of the county, at a salary of one hundred dollars per month, which office is hereby created, and the salary of which deputy shall be paid by the county at the same time and in the same manner, and out of

the same funds as that of the superintendent of schools; *provided*, that the board of supervisors shall allow the traveling expenses of the superintendent of schools necessarily incurred in the performance of said office, not to exceed the sum of three hundred dollars per year, to be allowed and paid as other claims against the county are allowed and paid.

12. The surveyor, such fees as are now or may be hereafter Surveyor. allowed by law.

13. For the purpose of fixing the compensation of justices Classification of townships. of the peace according to their duties, townships of this class of counties are hereby classified according to population. The population shall be determined by the board of supervisors upon the enactment of this act, and also at the time of formation of any new township or townships. The board may determine such population by multiplying by three the number of registered voters at the last general election next preceding the date of such determination.

(a) In townships having a population of five thousand Justices of the peace. five hundred and more, justices of the peace shall receive the sum of three hundred dollars per annum, payable monthly.

(b) In townships having a population of one thousand or over, the sum of three hundred dollars per annum, payable monthly.

(c) In townships having a population of less than one thousand the sum of two hundred forty dollars per annum, payable monthly; *provided*, that in case of the county having but one township, the justice of the peace therein shall receive a salary of one thousand dollars, and may sit in all matters pertaining to his office or jurisdiction in the several localities of said township, according as public convenience may require.

The above-named salary shall be in full compensation for all services of said justices of the peace in criminal and civil cases, and when acting as coroner said justices of the peace shall be allowed and paid actual expenses, which expenses shall be audited and allowed by the board of supervisors and paid out of the county treasury. The above compensation shall be in lieu of all other fees received for services and said fees shall be accounted for to the auditor and paid into the county treasury.

The salary of the justices of the peace as herein provided for shall be paid in the same manner, at the same time, and out of the same fund as county officers are paid.

For the purpose 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. one thousand nine hundred twenty.

14. Constables, each the sum of three hundred dollars per Constables. annum, which shall be paid in the manner and the same time and out of the same funds as county officers are now paid. The above compensation shall be in lieu of all other fees received for services, and said fees shall be accounted for to the auditor and paid into the county treasury.

Supervisors.

15. Each member of the board of supervisors, five dollars a day when the board is in session, and ten cents a mile, in going only, for traveling from his residence to the county seat, and when serving as road commissioner three dollars per day, and actual and necessary expenses; *provided*, he shall not in any one year receive more than three hundred fifty dollars as supervisor, exclusive of mileage, nor more than two hundred dollars as road commissioner, exclusive of traveling expenses.

Board of education.

16. Each member of the board of education excepting the superintendent of schools shall receive five dollars per day as compensation for his services when in actual attendance upon said board and mileage at the rate of ten 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. Claims for 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 the claims against the county are allowed. The compensation of the members of the board of education herein provided for, is not in addition to that provided in section one thousand seven hundred seventy of this code.

Jurors.

17. In counties of this class, for attending as a grand juror or as a trial juror in a criminal case in the superior court, for each day's attendance, the fee allowed by law. Such juror shall receive his actual and necessary expense in attending as a juror as shall be determined by the court.

Witnesses.

18. In counties of this class witnesses shall be allowed for each day's actual attendance, when legally required to attend upon the superior court in criminal cases, the fee allowed by law and his actual and necessary expenses as shall be determined by the court.

Intent of act.

The legislature hereby declares that the provisions of this act are not intended to and do not increase or diminish the compensation of the officers herein mentioned, but are intended to change the same to a fixed salary basis wherever a salary is provided for compensation of such officers.

Effective.

The provisions of this act shall take effect ninety days after the final adjournment of the session of the legislature which passed this act and said provisions shall be in force and apply to the present incumbent.

Constitutionality.

If any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of the act, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Repealed.

All acts and parts of acts in conflict with this act are hereby repealed.

CHAPTER 457.

An act to amend sections fifteen, twenty-one and twenty-two of an act entitled "An act to provide for the incorporation and organization and management of county water districts, and to provide for the acquisition of water rights or construction thereby of water works and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts," approved June 10, 1913, as amended, relating to bonded indebtedness of such districts.

[Approved by the Governor May 23, 1925.]

The people of the State of California do enact as follows:

SECTION 1. Section fifteen of an act entitled "An act to provide for the incorporation and organization and management of county water districts, and to provide for the acquisition of water rights or construction thereby of water works and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts," approved June 10, 1913, as amended, is hereby amended to read as follows:

Stats. 1923,
p. 314,
amended.

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 in said resolution the purpose for which the proposed debt is to be incurred and the amount thereof, and shall by said resolution fix a time and place for a hearing by the board on the question as to whether the whole district or only a portion thereof will be benefited by the accomplishment of said purpose, and if only a portion thereof will be so benefited, what portion will be so benefited. Notice of such hearing shall thereupon be given by the secretary of said board of directors by publication of a copy of said resolution in some newspaper printed and published in said district for at least two weeks and, if there be no newspaper printed and published in said district, by posting a copy thereof in three public places within said district at least two weeks before the time fixed for said hearing. Said copy of said resolution so published or posted shall be accompanied by notice subscribed by said secretary, with the seal of the district attached, to the effect that the hearing referred to in said resolution will be had at the time and place specified in said resolution and at said time any person interested, including all persons owning property in said district, will be heard upon the question stated in said resolution. At the time and place fixed in said resolution for said hearing, or at such time and place to which said hearing may be adjourned, said board of directors shall proceed with said hearing and any person interested, including any and all persons owning property within said district, may appear and present any and all such matters material to said question as he may desire.

Bonded in-
debtedness.

Hearing.

Upon the conclusion of said hearing, said board of directors shall by resolution determine whether the whole of said district will be benefited by the accomplishment of the purpose stated, and if it determines that the whole of said district will not be so benefited by the accomplishment of said purpose, it shall state what portion of the district will be so benefited, describing the same in a manner sufficient for identification and that portion of the county water district so described shall thereupon constitute and be known as Improvement District No. ----- of ----- county water district, and the proceedings thereafter for the purpose of the bond election within said improvement district and for the purpose of taxation for the payment of said bonds and interest shall be limited, and apply only to said improvement district of said county water district. The determination of the board of directors on this question shall be final and conclusive. The resolution of the board of directors expressing its determination in the matter having been adopted, said board of directors, if they deem it necessary to incur such bonded indebtedness, shall by a resolution so declare and state the purpose for which the proposed debt is to be incurred, whether or not the whole of the county water district is to be benefited thereby or only a portion thereof, and if only a portion thereof, a description of such portion sufficient for identification and the designation thereof as hereinafter provided for all in accord with the determination of the board as expressed in its previous resolution, the amount of debt to be incurred, the maximum term the bonds to be issued shall run before maturity, which shall not exceed forty years, and the amount or rate of interest to be paid which shall not exceed seven per cent per annum, payable annually or semi-annually and the proposition to be submitted to the electors. The board of directors shall fix a date upon which an election shall be held for the purpose of authorizing said bonded indebtedness to be incurred. It shall be the duty of the board of directors to provide for holding such special election on the day so fixed, in accordance with the general election laws of the state, so far as the same shall be applicable, except as herein otherwise provided. Such board of directors shall give notice of the holding of such election, which notice shall contain the resolution calling the election adopted by the board of directors of the water district, boundaries of voting precincts, which shall include therein only such portions of the district as will be benefited, as stated in such resolution, the location of polling places, and the names of the officers selected to conduct the election, who shall consist of one judge, one inspector and two clerks in each precinct. Such notice shall be published for two weeks in at least one newspaper printed and published in such water district, which newspaper or newspapers shall be designated by the board of directors; and if there is no newspaper printed and published in such water district, then by posting such notice in three public

Election.

places in the said county water district if the entire water district has been found to be benefited or otherwise in said improvement district so created therein. Every qualified elector residing within such voting precincts, but no others, shall be entitled to vote at such election. All the expenses of holding such election shall be borne by the county water district. The returns of such election shall be made to and the votes canvassed by said board of directors on the first Monday following said election, and the results thereof ascertained and declared in accordance with the general election laws of the state, so far as they may be applicable, except as herein otherwise provided. The secretary of the board of directors, as soon as the result is declared, shall enter in the records of such board a statement of such result. No irregularities or informalities in conducting such election shall invalidate the same, if the election shall have otherwise been fairly conducted. Except as 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.

SEC. 2. Section twenty-one of said act approved June 10, 1913, as amended, is hereby amended to read as follows:

Stats. 1923,
p. 315,
amended.

Sec. 21. If, from any cause, the revenues of the water district shall be inadequate to pay the interest on or principal of any bonded debt as it becomes due or any other expenses or claims against the district, then the board of directors must, at least fifteen days before the first day of the month in which the board of supervisors of the county or city and county in which such district is located is required by law to levy the amount of taxes required for county or city and county purposes, furnish to the board of supervisors and to the auditor, respectively, an estimate in writing of the minimum amount of money required by the district for the payment of the principal of or interest on any bonded debt as it becomes due, together with a description of the portion of the district benefited thereby, as stated by the board of directors in the resolution declaring the necessity to incur such bonded indebtedness, and also of the minimum amount of money required by the district for any other purpose in this section set forth, and the board of supervisors of such county or city and county must annually, at the time and in the manner of levying other county or city and county taxes and until any such bonded debt is fully paid, levy upon the property within the portion of the district so benefited and cause to be collected, a tax sufficient for the payment of the principal of and the interest on such bonded indebtedness to be known as the "----- county water district bond tax"; and until all other expenses or claims are fully paid, levy upon all of the property within the district and cause to be collected a tax sufficient for the payment thereof to be known as the "----- county water district water tax." Where with relation to any such bonded indebtedness, the determination of the board of directors as expressed in its resolution shall have been to the effect that the whole of the said district was benefited by the

Supervisors
to levy
district
water taxes.

purpose thereof, it will be sufficient for the purpose of this section to simply state that the whole of the district was so benefited.

Stats. 1923,
p. 315,
amended.
Levy and
collection
of district
water taxes.

SEC. 3. Section twenty-two of said act approved June 10, 1913, as amended, is hereby amended to read as follows:

Sec. 22. Such taxes for the payment of the interest on or principal of any such bonded debt shall be levied on the property within the portion or portions of the district benefited thereby as stated by the board of directors in accordance with their determination in the resolution declaring such determination, as well as in their resolution declaring the necessity for such indebtedness, and all taxes for other purposes shall be levied on all property in the territory comprising the district. All such taxes shall be collected at the same time and in the same manner and form as county taxes are collected, and when collected shall be paid to the district for which such taxes were levied and collected. Such taxes, if for the payment of a bonded debt or the interest thereon, shall be a lien on all the property benefited thereby, as so stated in the resolution of the board of directors aforesaid, and all taxes for other purposes shall be a lien on all the property in the territory comprising the district; and said taxes, whether for the payment of a bonded indebtedness or the interest thereon or for other purposes, shall be of the same force and effect as other liens for taxes, and their collection shall be enforced by the same means as provided for in the enforcement of liens for state and county taxes.

Effect
of act.

SEC. 4. This act shall have no effect with regard to any bonded indebtedness of the district heretofore authorized by vote of the electors of the district in accord with the law in force at the time of such authorization, whether all of said bonds so authorized have been heretofore issued and sold or not, but all such bonds so authorized may be issued and sold in conformity with the law in force at the time of such authorization, and all provisions of such laws applicable to such bonds at the time of such authorization shall, with regard to said bonds, continue in full force and effect.

CHAPTER 458.

An act to amend section one of an act entitled "An act empowering the board of trustees of the Whittier State School to sell all or any portion of the property heretofore acquired for the use of the Whittier State School, and to appropriate the proceeds for the purpose of reestablishing the said school elsewhere," approved May 27, 1919, relating to the disposition of the proceeds of sale.

[Approved by the Governor May 23, 1925.]

The people of the State of California do enact as follows:

Stats. 1910,
p. 1282,
amended.

SECTION 1. Section one of an act entitled "An act empowering the board of trustees of the Whittier State School to

sell all or any portion of the property heretofore acquired for the use of the Whittier State School, and to appropriate the proceeds for the purpose of reestablishing the said school elsewhere," approved May 27, 1919, is hereby amended to read as follows:

Section 1. The board of trustees of the Whittier State School, subject to the approval of the state board of control, is hereby authorized and empowered to sell all or any portion of the property heretofore acquired for the use of the Whittier State School, being part of the Rancho Paso de Bartolo Viejo, and part also of the southeast quarter of section twenty and the northwest quarter of section twenty-eight, township two south, range eleven west, San Bernardino base and meridian, containing in all two hundred four and three hundred eighty-nine thousandths acres more or less, and now used and occupied by the said school, and also that certain tract in the city of Whittier known as "the old reservoir site" which is more particularly described as follows: Commencing at the southwest corner of lot five in block "C" of Pickering Land and Water Company subdivision and running north parallel with Greenleaf avenue two hundred feet to a point; thence running east at right angles and parallel with Hadley street two hundred feet to a point; thence running south at right angles and parallel with Greenleaf avenue two hundred feet to a point; thence running west at right angles two hundred feet to the place of beginning. Such sale shall be made only after said property shall have been appraised by three disinterested persons appointed by the board of trustees, and after publication for not less than thirty days in three newspapers of general circulation, published in the county of Los Angeles, which notice shall describe the property to be sold, and shall set forth the terms of sale, and the date on or before which bids therefor will be received, and where such bids will be received; and said board of trustees shall have the right to reject any and all bids, and call for new bids by like publication of notice.

Authoriza-
tion for sale
of property
of Whittier
State School.

The proceeds from such sale or sales shall be paid into the state treasury to the credit of the "Whittier State School Building Fund," which fund is hereby created. All or any part of such fund may be expended with the approval of the state board of control in the purchase of a new site for said school and for the making of improvements, and the erection of buildings thereon; *provided, however*, that the Whittier State School shall not be discontinued at its present location unless another location is secured for it elsewhere in the state. The said site shall be selected by a site selecting committee composed of the superintendent and trustees of the Whittier State School, the state engineer, a member named by the board of trustees of the Preston School of Industry and a member named by the state board of charities and corrections. The said committee, if they consider it advisable, and subject to the approval of the state board of control, may also purchase water rights, or make provision for the development of water for the use of said lands. The state department of

Purchase of
new site.

engineering shall, at the request of the said committee, examine into the matter of water, light, power and sanitation and the engineering problems involved in connection with any site or sites the board may investigate with a view to purchasing and shall report thereon to the said committee with special regard to the suitability of such site or sites for the purposes of the institution.

Assistance
from
university.

The University of California shall render the said committee such reasonable assistance as the committee may desire in determining the quality and character of the soil of such site or sites for agricultural, horticultural and other purposes and its suitability for the purposes of the institution.

Expenses of
investiga-
tions.

The said committee, the said department of engineering, and the said university shall be entitled to receive their necessary expenses in connection with such investigations and the selection and purchase of said site.

Development
plans.

The said committee may also prepare plans for the development for state school purposes of such property as may be purchased and for buildings to be erected thereon.

CHAPTER 459.

An act to amend section nineteen x twelve of the "juvenile court law, approved May 5, 1915," as amended, relative to the salary of probation officer in counties of the twelfth class.

[Approved by the Governor May 23, 1925.]

The people of the State of California do enact as follows:

Stats. 1921,
p 1468,
amended.

SECTION 1. Section nineteen x twelve of the juvenile court law, approved May 5, 1915, is hereby amended to read as follows:

Counties of
12th class:
salaries of
probation
officers.

19.12. In counties of the twelfth class there shall be one probation officer whose salary shall be two thousand one hundred dollars per annum, and one assistant probation officer whose salary shall be one thousand eight hundred dollars per annum, and one assistant probation officer whose salary shall be one thousand two hundred dollars per annum.

CHAPTER 460.

An act making an appropriation for the purpose of building and furnishing a cottage for housing patients at the state hospital at Agnew, California.

[Approved by the Governor May 23, 1925.]

The people of the State of California do enact as follows:

Appropriation:
cottage at
Agnews State
Hospital.

SECTION 1. The sum of eighty-seven thousand five hundred dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to be used for the purpose of building and furnishing a cottage for housing patients at the state hospital at Agnew, California.

CHAPTER 461.

An act to add a new section to be numbered thirty-eight to an act entitled "An act approving the report of the California debris commission transmitted to the speaker of the house of representatives by the secretary of war on June 27, 1911, directing the approval of plans of reclamation along the Sacramento river or its tributaries or upon the swamp lands adjacent to said river, directing the state engineer to procure data and make surveys and examinations for the purpose of perfecting the plans contained in said report of the California debris commission and to make report thereof, making an appropriation to pay the expenses of such examination and surveys, and creating a reclamation board, and defining its powers," approved December 24, 1911, as amended, relating to proceedings involved in the maintenance, repair and operation of works of reclamation and flood control existing on April 1, 1923, and the completion, maintenance and operation of any project adopted by the reclamation board prior to April 1, 1923, and the adoption and carrying to completion of any project or work involved in or contained in the report of the California debris commission, dated January 5, 1925, and now in the course of transmission to the congress of the United States.

[Approved by the Governor May 23, 1925.]

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 approving the report of the California debris commission transmitted to the speaker of the house of representatives by the secretary of war on June 27, 1911, directing the approval of plans of reclamation along the Sacramento river or its tributaries or upon the swamp lands adjacent to said river, directing the state engineer to procure data and make surveys and examinations for the purpose of perfecting the plans contained in said report of the California debris commission and to make report thereof, making an appropriation to pay the expenses of such examinations and surveys, and creating a reclamation board and defining its powers," approved December 24, 1911, as amended, to be numbered thirty-eight, to read as follows:

Stats. 1911
Ex. p. 117.
amended.

Sec. 38. In all plans, hearings, notices and proceedings of every kind and nature, relating to or involved in the maintenance, repair and operation of works of reclamation and flood control existing on April 1, 1923, and the completion, maintenance and operation of any project adopted by the reclamation board prior to April 1, 1923, and the adoption and carrying to completion of any project or work involved in or contained in the report of the California debris commission, dated January 5, 1925, and now in the course of transmission to the congress of the United States, the statutes of

Laws in force
April 1,
1923, to be
observed.

California as they existed on April 1, 1923, shall be observed and followed, notwithstanding anything in this act, or any other act, to the contrary.”

CHAPTER 462.

An act to amend section four thousand two hundred fifty-six of the Political Code, relating to the salaries, fees, and compensation of county officers of the twenty-seventh class.

[Approved by the Governor May 23, 1925.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred fifty-six of the Political Code is hereby amended to read as follows:

Counties of
27th class:
salaries and
fees of
officers.

4256. In counties of the twenty-seventh class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit:

Clerk.

1. The county clerk, three thousand dollars per annum; and in any year when a new and complete or supplemental registration of voters is required by law to be made, he shall receive the sum of fifteen cents for each elector registered, which shall be allowed by the board of supervisors at the close of registration preceding a general election, and paid from the general fund of the county. The county clerk shall be allowed one deputy at a salary of one thousand eight hundred dollars per annum, and one deputy at a salary of one thousand five hundred dollars per annum.

The county clerk shall also be allowed one copyist at a salary of one thousand five hundred dollars per annum, and one copyist during each even numbered year at a salary of one hundred dollars per month, said deputies and copyists to be appointed by the county clerk.

The county clerk shall appoint all necessary deputies for the registration of voters, said deputies to be paid by the county clerk.

Sheriff.

2. The sheriff, five thousand dollars per annum, and necessary expenses for pursuing criminals or transacting any criminal business. The sheriff shall be allowed one deputy, who shall be the jailer, at a salary of one thousand eight hundred dollars per annum; one deputy at a salary of one thousand eight hundred dollars per annum; and one deputy at a salary of one thousand two hundred dollars per annum; said deputies to be appointed by the sheriff.

Recorder.

3. The recorder, three thousand dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed the recorder the following deputies and copyists who shall be appointed by the recorder of said county and shall be paid salaries and compensation as follows:

One chief deputy who shall receive a salary of one thousand eight hundred dollars per annum, and three additional depu-

ties for indexing and comparing, each of whom shall receive a salary of one thousand five hundred dollars per annum.

Said recorder may also appoint such copyists, not to exceed three as may be required for the recording of all papers, notices and documents in his office, who shall receive as compensation for their services the sum of six cents per folio for actual work done in copying any instrument to be recorded (except maps and plats) and for making copies of any records or papers.

The salaries and compensations of all deputies and copyists herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the county recorder is paid; *provided*, that the recorder shall file monthly with the auditor a verified statement showing in detail the persons employed as such copyists and the amount due to each for such copying. All fees collected by said recorder for filing and recording of instruments and other documents, maps and plats, or for copies made from records shall be paid in to the county treasurer.

4. The auditor, three thousand dollars per annum. The Auditor. The auditor shall be allowed one deputy at a salary of one thousand eight hundred dollars per annum; said deputy to be appointed by the auditor; *and provided, further*, that the said auditor shall be allowed one copyist who shall hold office for a period not to exceed four months of each year, at a salary of one hundred dollars per month; said copyist to be appointed by the auditor.

As compensation for keeping records of orphan and half-orphan aid the auditor shall receive a commission of five per cent of the amount expended for such aid, said commission to be paid from the same fund as the orphan and half-orphan aid.

When required by the board of supervisors to compile an annual statistical report, the auditor shall receive three hundred dollars from the general fund of the county as compensation for compiling such report.

5. The treasurer, three thousand dollars per annum. The Treasurer. The treasurer shall be allowed one deputy at a salary of one thousand five hundred dollars per annum; said deputy to be appointed by the treasurer.

6. The tax collector, three thousand dollars per annum. Tax collector. The tax collector shall be allowed one deputy at a salary of one thousand eight hundred dollars per annum; said deputy to be appointed by the tax collector; *and provided, further*, that the said tax collector shall be allowed one deputy who shall hold office during the months of September, October, November and December at a salary of one hundred dollars per month; said deputy to be appointed by the tax collector.

7. The assessor, three thousand six hundred dollars per annum and necessary traveling expenses in the performance of the duties of his office; *provided*, that in counties of this

class there shall be, and there hereby is allowed to the assessor the following deputies, who shall be appointed by the assessor and who shall be paid salaries as follows: One assistant assessor who shall receive a salary of two thousand dollars per annum; one deputy assessor who shall receive a salary of one thousand eight hundred dollars per annum; one deputy who shall receive a salary of one thousand five hundred dollars per annum; one copyist for a period not to exceed eight months each year at a salary of one hundred dollars per month; such additional deputies as may be necessary to carry on the work of his office for a length of time not to exceed three months for each deputy and the aggregate compensation to be paid all of such deputies shall not exceed the sum of six thousand fifty dollars in any fiscal year. The deputies herein provided for shall be paid at the same time and in the same manner, and out of the same fund as the salary of the county assessor is paid; *provided*, the assessor shall be allowed a draftsman who shall annually revise the plats in the office of the assessor, for which he shall receive a sum not to exceed six hundred dollars in any one year. It is hereby found as a fact that the changes provided for in this section do not work an increase in compensation and it is intended that the same shall apply to the present incumbents.

Attorney.

8. The district attorney, three thousand dollars per annum. The district attorney shall be allowed one deputy at a salary of two thousand five hundred twenty dollars per annum; and one deputy at a salary of nine hundred dollars per annum; also a stenographer at a salary of one thousand six hundred twenty dollars per annum; said deputies and stenographer to be appointed by the district attorney.

Coroner.

9. The coroner, such fees as are now or may hereafter be allowed by law.

Public administrator.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

Supt. of schools.

11. The superintendent of schools, three thousand dollars per annum; and shall also be allowed the compensation allowed by law for services on the board of education and actual traveling expenses when visiting in his (or her) county. The superintendent of schools shall be allowed one deputy at a salary of one thousand eight hundred dollars per annum; and one deputy at a salary of one thousand five hundred dollars per annum, said deputies to be appointed by superintendent of schools.

Surveyor.

12. The surveyor, such fees as are now or may hereafter be allowed by law.

Classification of townships.

13. For the purpose of regulating the compensation of justices of the peace and constables, townships in counties of the twenty-seventh class are hereby classified according to population to be determined by the board of supervisors at the time of the formation of any new judicial township or townships in the manner prescribed by section four thousand fifty-five of the Political Code. Townships having a population of

six thousand five hundred or more shall belong to and be known as townships of the first class. Townships having a population of less than six thousand five hundred and more than five thousand shall belong to and be known as townships of the second class. Townships having a population of less than five thousand and more than one thousand six hundred shall belong to and be known as townships of the third class. Townships having a population of less than one thousand six hundred shall belong to and be known as townships of the fourth class. Justices of the peace shall receive the following salaries for all services rendered by them: In townships of the first class, one hundred seventy-five dollars per month; in townships of the second class, one hundred twenty-five dollars per month; in townships of the third class, ninety dollars per month; in townships of the fourth class, fifty dollars per month.

Justices of
the peace.

14. Constables in counties of this class shall receive the following salaries for all services rendered by them in criminal cases: In townships of the first class, one hundred twenty-five dollars per month; in townships of the second class, one hundred ten dollars per month; in townships of the third class, ninety dollars per month; in townships of the fourth class, fifty 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.

Constables.

15. Supervisors, each, the sum of one thousand eight hundred dollars per annum for all services performed by them as supervisors and as members of the board of equalization. Each supervisor shall receive mileage at the rate of twenty-five cents per each mile traveled in going to and from the meeting of the board. They shall act as road commissioners in their respective districts and shall receive for their services as such road commissioner mileage at the rate of twenty-five cents per mile for all distances actually traveled by them in the discharge of their duties as such road commissioner; *provided*, that such mileage as road commissioner shall not in any one year exceed the sum of six hundred dollars for any one of the road commissioners.

Supervisors.

15a. There is created for counties of the twenty-seventh class a county librarian, who shall be appointed by the board of supervisors for a term of four years and shall receive a salary of two thousand five hundred dollars per annum; to be paid at the time and in the manner as other county officers.

Librarian.

16. The official reporter of the superior court, such fees as are now or may hereafter be allowed by law.

Reporter.

16a. The county traffic officer, two thousand one hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the county traffic officer three deputies which offices are hereby created. Said deputies shall be appointed by said county traffic officer and

Traffic
officer.

shall each receive a salary of one thousand eight hundred dollars per annum which shall be paid by said county in monthly installments at the same time in the same manner and out of the same funds as the salary of the county traffic officer is paid. Said county shall provide motorcycles or other vehicles and gasoline and oil for the purpose of propelling the same, for such traffic officer and his deputies and shall pay all of the expense of the upkeep of said machines. All the provisions of this paragraph are to apply to the office of county traffic officer and his deputies whenever said office of county traffic officer is created by law.

Jurors.

17. Juror fees shall be as follows: For attending as a grand juror, or a trial juror in the superior court, for each day's attendance, three dollars per day; for each mile he travels in attending court as such juror, fifteen cents per mile in going only.

Public
defender.

18. If at any time there shall be created and established in this state a county office designated the office of county public defender, then, and in that case, the salary to be allowed such officer in counties of this class shall be one thousand two hundred dollars per annum.

19. The provisions of subdivision eighteen of this section shall have no force unless the office therein anticipated is created by constitutional or legislative enactment.

Payment of
salaries.

20. The salaries of all county and township officers and their deputies shall be payable in equal monthly installments from the salary fund of the county on the first day of each month.

Effect of
act.

21. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes, nor to increase or decrease the compensation paid to or received by any such person under the provisions of such statute, except as otherwise herein expressly provided.

CHAPTER 463.

An act to amend sections four thousand three hundred seven and four thousand three hundred eight of the Political Code, relating to county charges and the district attorney's special fund.

[Approved by the Governor May 23, 1925.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand three hundred seven of the Political Code is hereby amended to read as follows:

4307. The following are county charges:

1. Charges incurred against the county by virtue of any of the provisions of this act. County charges.

2. The traveling and other personal expenses of the district attorney, incurred in criminal cases arising in the county, and in civil actions and proceedings in which the county is interested, and all other expenses necessarily incurred by him in the detection of crime, other than those crimes declared to be misdemeanors by the "California vehicle act," approved May 30, 1923, and amendments thereto, and in the prosecution of criminal cases, and in civil actions and proceedings and all other matters in which the county is interested.

3. The expenses necessarily incurred in the support of persons charged with or convicted of crime and committed therefor to the county jail, and for other services in relation to criminal proceedings for which no specific compensation is prescribed by law.

4. The sums required by law to be paid to the grand and trial jurors and witnesses in criminal cases.

5. The accounts of the coroner of the county for such services as are not provided to be paid otherwise.

6. All charges and accounts for services rendered by any justice of the peace in the examination or trial of persons charged with crime, not otherwise provided for and allowed by law.

7. The necessary expenses incurred in the support of the county hospitals, almshouses, and the indigent sick and otherwise dependent poor, whose support is chargeable to the county.

8. The contingent expenses necessarily incurred for the use and benefit of the county.

9. Every other sum directed by law to be raised for any county purpose under the direction of the board of supervisors, or declared to be a county charge.

10. The fees of constables in criminal cases allowed by law.

11. The actual and necessary expenses of county auditors, clerks, district attorneys, assessors, sheriffs, coroners, recorders and tax collectors, incurred while traveling to and from and while attending the annual convention of their respective associations; *provided*, that in no event shall such expense exceed the sum of fifty dollars for each of said officers in any one year.

12. The necessary expenses other than attorney's fees incurred by county auditors and treasurers in the defense and prosecution of any action brought by, or against said officers, for the purpose of testing the validity or constitutionality of any act of the legislature providing for the payment of county funds or funds held in trust by the county.

SEC. 2. Section four thousand three hundred eight of the Political Code is hereby amended to read as follows:

4308. There is hereby created in each county a fund to be known as the district attorney's special fund. It shall be the duty of the board of supervisors, within thirty days after this District attorney's special fund.

act takes effect, and annually thereafter, at the beginning of the fiscal year, to transfer from the general fund to the district attorney's special fund, such sum or sums as may be necessary from time to time so that there shall be in such fund at the beginning of each fiscal year available for use by the district attorney, the following amounts: In counties or cities and counties having a population of ninety thousand or more the sum of five thousand dollars (\$5,000); in all other counties such sums as the board of supervisors shall set aside, not to exceed two thousand five hundred dollars (\$2,500).

Warrants for disbursements.

On the presentation of his requisition therefor by the district attorney to the auditor, said auditor shall draw his warrant in favor of the district attorney on such fund for such amounts as the district attorney may require from time to time. On presentation the treasurer shall cash said warrant.

In counties of 90,000 or more.

Discretion of supervisors in counties of ninety thousand or more. In their discretion the board of supervisors in counties having a population of ninety thousand or more, in addition to the amounts hereinbefore mentioned, may transfer to such fund such additional sums as they deem necessary to be used by the district attorney as provided in this section.

Use of fund.

All such sums may be used by the district attorney for his expenses incurred in criminal cases arising in the county and in civil actions and proceedings in which the county is interested, and for such expenses necessarily incurred by him in the detection of crime, other than those crimes declared to be misdemeanors by the "California vehicle act," approved May 30, 1923, and amendments thereto, and in the prosecution of criminal cases and for expenses in any matters in which the county may be interested.

Vouchers for disbursements.

The district attorney shall file vouchers with the auditor at the end of each fiscal year, showing what disposition he has made of any moneys received from such fund and the particular purpose for which it was spent; *provided*, that if a criminal proceeding be pending or under investigation as to any moneys spent in such proceeding or investigation, such vouchers need not be filed until the trial of the criminal proceeding be ended or the investigation concluded.

Effect of section.

Provided, further, that nothing in this section contained shall be construed as a limitation or affecting in any way the provisions of section four thousand three hundred seven of this code or any provision of law relative to the expenses of the district attorney which may be incurred by him and paid as are other county claims, after allowance by the board of supervisors, but the fund herein shall be in addition to any funds at the disposal of the district attorney as now provided by law.

Exceptions.

Provided, this section shall not apply to any county or city and county operating under a charter where provision for a similar fund is made by law. The population herein provided for to be fixed by the federal census taken in the year A. D. 1920.

[NOTE—There is also another section 4308. See Political Code.]

CHAPTER 464.

An act to make an appropriation to pay the claim of the Kingsburg Telephone Company.

[Approved by the Governor May 23, 1925.]

The people of the State of California do enact as follows:

SECTION 1. The sum of one hundred dollars is hereby appropriated out of any money in the general fund, not otherwise appropriated, to pay the claim of the Kingsburg Telephone Company. Appropriation of claim of Kingsburg Telephone Co.

SEC. 2. The state controller is hereby authorized to draw his warrant for the above sum in favor of the Kingsburg Telephone Company and the state treasurer is directed to pay the same.

CHAPTER 465.

An act to amend section four thousand two hundred sixty-six of the Political Code, relating to the salaries, fees and expenses of officers in counties of the thirty-seventh class.

[Approved by the Governor May 23, 1925.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred sixty-six of the Political Code 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 offices the following salaries, fees and expenses, to wit: Counties of 37th class: salaries and fees of officers.

1. The county clerk, two thousand seven hundred dollars per annum and such fees and commissions as are now or may hereafter be allowed by law; one deputy at one hundred fifty dollars per month; one deputy at one hundred twenty-five dollars per month; which offices are hereby created; the salaries of said deputies shall 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 county clerk is paid; *provided, further*, in each year in which a new and complete or supplemental registration of voters is required by law the county clerk shall appoint as many deputy registration clerks as may be necessary for the convenient registration of voters of the county, which deputy registration clerks shall receive as compensation for their services the sum of ten cents per name for each and every voter registered by them; said compensation to be paid out of the general fund of the county on the presentation and filing with the board of supervisors of the county a duly verified claim therefor approved by the county clerk. Clerk.

2. The sheriff, three thousand dollars per annum and such mileage as is allowed by law for the service of all papers issued by courts outside this county; and all mileage for service of Sheriff.

papers in civil cases in this county; and actual expenses incurred in criminal cases; he shall have one deputy at one hundred seventy-five dollars per month and one deputy at one hundred fifty dollars per month, which offices are hereby created, said deputies to be appointed by the sheriff, and to be paid by said county in equal monthly installments at the same time and out of the same fund as the salary of the sheriff is paid. The provisions of this section shall not apply to the present incumbent or his deputies.

Recorder.

3. The recorder, two thousand four hundred dollars per annum; he shall have one deputy recorder at one hundred twenty-five dollars per month; two deputy recorders at one hundred dollars per month each, which offices are hereby created, said deputies to be appointed by the recorder and to 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.

Auditor.

4. The auditor, two thousand four hundred dollars per annum; he shall have one deputy auditor at one hundred twenty-five dollars per month; one deputy auditor, for a period of ninety days in any one year at a salary of four dollars per diem, such deputies to be appointed by the auditor and to 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 auditor is paid.

Treasurer.

5. The treasurer, two thousand four hundred dollars per annum; one deputy treasurer at one thousand two hundred dollars per annum; which office is hereby created; the salary of said deputy to 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 treasurer is paid.

Tax collector.

6. The tax collector, two thousand one hundred dollars per annum; he shall have one deputy at one hundred twenty-five dollars per month; he shall also have during the months of March, April and May of each year one deputy tax collector at a salary of one hundred dollars per month; during the months of October, November and December of each year one deputy tax collector at a salary of one hundred dollars per month; the salaries of said deputies to 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 tax collector is paid.

Assessor.

7. The assessor, two thousand five hundred dollars per annum; he shall have one deputy assessor at one hundred fifty dollars per month; one deputy at one hundred twenty-five dollars per month, which offices are hereby created; the salaries of said deputies to 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 assessor is paid. The assessor may also be allowed a sum of not to exceed two thousand seven hundred dollars per annum for additional help when in the opinion of the assessor such additional help is necessary; *provided, further*, that the assessor shall be entitled to receive and retain

for his own use four per cent only on personal property tax collected by him as authorized by sections three thousand eight hundred twenty and three thousand eight hundred twenty-nine of the Political Code.

8. The district attorney, three thousand dollars per annum; Attorney. he shall have one stenographer at one hundred twenty-five dollars per month, said salary to be paid in monthly installments at the same time, in the same manner and out of the same fund as the district attorney is paid.

9. The coroner, such fees as are now or may hereafter be Coroner. allowed by law.

10. The public administrator, such fees as are now or may Public ad-
ministrator. hereafter be allowed by law.

11. The superintendent of schools, two thousand four hundred dollars per annum; he shall have one deputy to be appointed by him at a salary of one thousand two hundred dollars per annum, which office is hereby created, said salary to be paid in monthly installments at the same time, in the same manner and out of the same fund as the superintendent of schools is paid. Supt. of
schools.

12. The surveyor, ten dollars per day when engaged in Surveyor. county work. He shall also receive his actual expenses when at work in the field.

13. The justices of the peace shall receive the following Justices of
the peace. salaries to be paid each month as the salaries of the county officers are paid, which shall be in full for all services rendered by them: In townships having a population of five thousand or more, one hundred twenty-five dollars per month; in townships less than five thousand and more than three thousand, one hundred dollars per month; in townships having a population of less than three thousand, six hundred dollars per annum.

14. The constables shall receive the following salaries to be Constables. paid each month as the salaries of county officials are paid: In townships having a population of more than five thousand, one hundred and twenty-five dollars per month; in townships of less than five thousand and more than three thousand, one hundred dollars per month; in townships having a population of less than three thousand, four hundred eighty dollars per annum. In addition to the monthly salaries herein allowed, each constable may receive and retain for his own use such fees and mileage as are allowed by law for service of all papers issued by any court outside of this county and all fees and mileage for service of papers in civil cases in this county.

15. Each member of the board of supervisors, one thousand Supervisors. eight hundred dollars per annum, in full payment for services as member of the board of supervisors, as member of the board of equalization and twenty-five cents per mile while traveling from his residence to the county seat not more than once a month, and each member shall receive his actual traveling expenses as road commissioner not to exceed three hundred dollars per annum. It is hereby found as a fact that the

changes provided for in this section do not work an increase in compensation and it is intended that the same shall apply immediately to the present incumbents.

Reporter. 16. The official reporter of the superior court shall receive such fees as are now or may hereafter be allowed by law.

Librarian. 17. The salary of the county librarian shall be two thousand four hundred dollars per annum, to be paid in equal monthly installments, at the same time, in the same manner and out of the same fund as the salaries of other county officers are paid.

Jurors. 18. Grand jurors and jurors in the superior court shall receive the following fees: For each day's attendance three dollars, and for each mile actually traveled in attending court as a juror, one way, fifteen cents.

CHAPTER 466.

An act to amend section six hundred eighty-nine of the Code of Civil Procedure, relating to the claims of third parties and indemnities to the sheriff.

[Approved by the Governor May 23, 1925.]

The people of the State of California do enact as follows:

SECTION 1. Section six hundred eighty-nine of the Code of Civil Procedure is hereby amended to read as follows:

Indemnity
where
property
claimed by
third party.

689. If the property levied on is claimed by a third person as his property by a written claim verified by his oath or that of his agent, setting out his right to the possession thereof, and served upon the sheriff, the sheriff is not bound to keep the property unless the plaintiff, or the person in whose favor the writ of execution runs, on demand, indemnifies the sheriff against such claim by an undertaking by at least two good and sufficient sureties in a sum equal to double the value of the property levied on; and the sheriff is not liable for damages for the taking or keeping of such property to any such third person, unless such a claim is made.

The sheriff may demand and exact the undertaking herein provided for notwithstanding any defect, informality or insufficiency of the verified claim served upon him.

CHAPTER 467.

An act to amend section four thousand two hundred eighty-three of the Political Code, relating to the salaries and fees of officers of counties of the fifty-fourth class.

[Approved by the Governor May 23, 1925.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred eighty-three of the Political Code 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, fees and expenses, to wit: Counties of 54th class: salaries and fees of officers.

1. The county clerk, two thousand seven hundred dollars per annum. 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. Clerk.

2. The sheriff, two thousand seven hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed one deputy who shall be appointed by the sheriff and be paid a salary of one hundred 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, nine 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 seventy-five 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 recorder is paid; *and provided, further*, that from the time and in the event that said office of recorder is consolidated with that of auditor, the holder of the said consolidated office of recorder and auditor shall receive a salary of three thousand dollars per annum, and said auditor and recorder shall pay his own deputy or copyist. Recorder.

4. The auditor, one thousand twenty dollars per annum; *provided*, that he shall receive the sum of no dollars per year from the time and in the event that said office is consolidated with that of recorder. Auditor.

5. The treasurer, two thousand one hundred dollars per annum. Treasurer.

6. The tax collector, two thousand dollars per annum. Tax collector.

7. The assessor, two thousand four hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the assessor one deputy who shall be appointed by the assessor and be paid a salary of fifty 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 assessor is paid. Assessor.

8. The district attorney, two thousand seven hundred dollars per annum and such fees as are now or may hereafter be paid to that officer. Attorney.

9. The coroner, such fees as are now or may be hereafter allowed by law. Coroner.

Public ad-
ministrator.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

Supt. of
schools.

11. The superintendent of schools, one thousand dollars per annum; *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 shall be paid a salary of thirty-five dollars per month, said salary to be paid by said county monthly at the same time and manner and out of the same fund as the salary of the superintendent of schools is paid.

Surveyor.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

Classification
of town-
ships.

13. For the purpose of fixing the compensation of justices of the peace according to their duties, townships in counties of this class are hereby classified according to their population as follows:

Townships having a population of one thousand five hundred or more shall belong to and be known as townships of the first class. Townships having a population of less than one thousand five hundred shall belong to and be known as townships of the second class.

The population of the several townships shall be determined by the board of supervisors upon the enactment of this act, and also at the time of the formation of any new township or townships for the purpose of this and the succeeding subdivisions by the last federal census taken during the year 1920.

Justices of
the peace.

Justices of the peace shall receive the following salaries:

In townships of the first class the justices of the peace shall receive a salary of fifty dollars per month and the supervisors may allow for rent, light and fuel of such justice, in the maintenance of his office, a sum not to exceed monthly twenty per cent of his salary.

In townships of the second class the justices of the peace shall receive a salary of three hundred dollars per annum.

Such salaries shall be paid in the same manner and out of the same fund as the salaries of county officers are paid, and shall be compensation in full for all services rendered. All fees received by justices of the peace shall be paid into the county treasury every month. The board of supervisors of such counties shall furnish and supply to the justices of the peace of 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.

Constables.

14. Constables, twenty-five dollars per month and such fees as are now or may be hereafter allowed by law.

Supervisors.

15. Each member of the board of supervisors, nine hundred dollars per annum and twenty cents per mile in 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 coroners' inquests, a monthly salary not to exceed one hundred dollars, payable out of the county treasury at the same time and in the same manner as the salaries of the 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.

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.

Jurors.

CHAPTER 468.

An act to amend an act entitled "An act to create a revolving fund for the manufacturing departments of the state prison at San Quentin and to appropriate money therefor," approved June 12, 1915, relating to the balance in the San Quentin prison manufacturing revolving fund.

[Approved by the Governor May 23, 1925.]

The people of the State of California do enact as follows:

SECTION 1. Section one of an act entitled "An act to create a revolving fund for the manufacturing departments of the state prison at San Quentin and to appropriate money therefor," approved June 12, 1915, is hereby amended to read as follows:

Stats. 1915,
p. 1490,
amended.

Section 1. The sum of fifty thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be known as the San Quentin prison manufacturing revolving fund, which fund is hereby created; said fund shall be used to meet the expenses necessary in the purchasing of material and equipment and for maintenance of the manufacturing departments of the state prison at San

Creation and
use of re-
volving fund.

Disposition
of receipts.

Quentin. Of the money received from the sale of any goods manufactured in said manufacturing departments of San Quentin prison, so much shall be returned to said revolving fund as shall replenish the said fund and keep it intact to the extent of the amount herein appropriated for the same, and any surplus or balance remaining after the replenishment of said fund shall be paid into the general fund, such surplus or balance remaining after the replenishment of said fund to be determined or identified as the accrued balance or surplus over and above the amount herein appropriated, as set forth in the books and records of account at San Quentin prison.

CHAPTER 469.

An act to amend an act entitled "An act to amend section one of an act entitled 'An act amending an act making an appropriation for the establishment of a permanent fund for the purchase of jute to be manufactured at the state prison at San Quentin, approved March 9, 1885,' approved March 16, 1889, and to provide for the disposition and use of the surplus money received from the sale of jute goods and not needed for the 'revolving fund' provided for in said act," approved March 24, 1911, as amended.

[Approved by the Governor May 23, 1925.]

The people of the State of California do enact as follows:

Stats 1915,
p. 472,
amended

SECTION 1. Section one of an act entitled "An act to amend section one of an act entitled 'An act amending an act making an appropriation for the establishment of a permanent fund for the purchase of jute to be manufactured at the state prison at San Quentin, approved March 9, 1885,' approved March 16, 1889, and to provide for the disposition and use of the surplus money received from the sale of jute goods and not needed for the revolving fund' provided for in said act," approved March 24, 1911, as amended, is hereby amended to read as follows:

Creation and
use of re-
volving fund.

SECTION 1. The sum of two hundred thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to provide and maintain a permanent revolving fund to be used exclusively in payment for jute and other material to be used in the manufacturing departments in San Quentin State Prison. Said fund shall at all times contain the amount of two hundred thousand dollars either in cash or assets consisting of raw material and finished and unfinished products inventoried at cost, or both. Any cash surplus or balance existing by reason of the income from the sale of the products of said manufacturing departments shall be paid into the state treasury to the credit of the general fund, such surplus or balance remaining after the replenishment of said fund, to be determined or identified as the accrued balance or surplus over and above the amount herein appropriated, as set forth in the books and records of account at the San Quentin prison.

Disposition
of surplus.

CHAPTER 470.

An act making an appropriation for the encouragement of county agricultural fairs and providing for the distribution of the moneys hereby appropriated.

[I object to the item of one hundred thousand dollars in section 1 and reduce the amount to seventy-five thousand dollars. With this reduction I approve the bill. Dated: May 23, 1925. FRIEND WM. RICHARDSON, Governor.]

The people of the State of California do enact as follows:

SECTION 1. To encourage the holding of county agricultural fairs and to stimulate better agriculture and horticulture and the breeding of better live stock in the various counties of the State of California there is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, the sum of one hundred thousand dollars, one-half of said amount to be expended during the seventy-seventh fiscal year, and one-half to be expended during the seventy-eighth fiscal year, in accordance with the directions contained in section two of this act.

Appropriation: encouragement of county agricultural fairs.

SEC. 2. The money hereby appropriated shall be expended under the supervision of the state board of control for premiums for agricultural, horticultural and live stock exhibits only. The state board of control shall apportion the money hereby appropriated to the various agricultural fairs held in any county or by any group of counties on the basis of the amount which such fairs actually paid in premiums for agricultural, horticultural and live stock exhibits, at the fairs held in the preceding year. It shall be the duty of the secretary of any such fair desiring to take advantage of the provisions of this act to file with the state board of control on or before August 1, 1925, and August 1, 1926, a sworn statement setting forth the actual amount paid for premiums by such county agricultural fair held in the preceding year. No allotment from the appropriation herein provided shall be made for more than one fair in any year in any county. The fact that one county joins with another county, or with several others, to hold an agricultural fair shall not bar it from receiving a proper proportion of the moneys herein appropriated.

CHAPTER 471.

An act to provide for the establishment of a highway, to be known as the Bay Shore highway, in the counties of San Francisco, San Mateo and Santa Clara.

[This bill is approved with the understanding: That the state will never expend any money upon the highway within the limits of the city of San Francisco; that said city will live up to the pledge of its mayor and supervisors and build the said portion of the highway within the city limits from city funds; that said city will assist in constructing the portion of this highway in San Mateo county as agreed to in the 1923 act defining the "bay shore highway"; that the bay shore highway as a state highway will commence at the southern boundary of the city of

San Francisco as defined in the 1923 act and continue through San Mateo and Santa Clara counties to the north city limits of San Jose. Dated: May 23, 1925. FRIEND WM. RICHARDSON, *Governor.*]

The people of the State of California do enact as follows:

San Francisco-San Jose state highway authorized.

SECTION 1. The California highway commission is hereby authorized and directed to lay out and construct a highway or highways from a point at or near the intersection of Army street and San Bruno avenue in the city and county of San Francisco, thence through the county of San Mateo to a point in the city of San Jose in the county of Santa Clara, to be selected by the California highway commission, by the most direct and practicable route, such route to be selected by the California highway commission. Such highway or highways are hereby declared to be a state highway or state highways.

CHAPTER 472.

An act appropriating money to pay the claim of Pearl E. Green, against the State of California.

[I object to the item of five thousand dollars in section 1 and reduce the amount to two thousand five hundred dollars. With this reduction I approve the bill. Dated: May 23, 1925. FRIEND WM. RICHARDSON, *Governor.*]

The people of the State of California do enact as follows:

Appropriation: claim of Pearl E. Green.

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 Pearl E. Green against the State of California.

CHAPTER 473.

An act making an appropriation for the prevention and extinguishment of fires in Tamalpais forest fire district.

[I object to the item of five thousand dollars in section 1 and reduce the amount to two thousand five hundred dollars. With this reduction I approve the bill. Dated: May 23, 1925. FRIEND WM. RICHARDSON, *Governor.*]

The people of the State of California do enact as follows:

Appropriation: fire protection in Tamalpais forest fire district.

SECTION 1. Out of any money in the state treasury not otherwise appropriated there is hereby appropriated annually the sum of five thousand dollars during the seventy-seventh and seventy-eighth fiscal years, which money shall be used and expended for the purposes of preventing forest fires and the construction and maintenance of fire trails and fire breaks in the Tamalpais forest fire district in Marin county, California. The state board of forestry with the approval of the state board of control is hereby authorized and empowered to enter into a contract or contracts with the Tamalpais forest fire district, a public corporation of the State of California, for the purpose of protecting the area embraced in the Tamalpais forest fire district from devastation

by fire; *provided, however*, that the expenditures for such purposes shall not be in excess of the amount expended by the said Tamalpais forest fire district; *provided, further*, that in the event the said Tamalpais forest fire district does not contribute an amount equal to the appropriation hereby made during the fiscal years hereinabove specified, the state board of forestry shall not have power to enter into such contract or contracts with the Tamalpais forest fire district for such expenditure of said money.

CHAPTER 474.

An act to provide for the eradication of citrus white fly in California by providing for the establishment by proclamation of citrus white fly districts, declaring certain plants within such citrus white fly districts to be a public nuisance; providing for the destruction or treatment of such host plants, defining the powers and duties of the director of the department of agriculture and of the county horticulture commissioners in relation to the provisions of this act, and making an appropriation for the enforcement of this act.

[I object to the item of one hundred thousand dollars in section 5 and reduce the amount to forty thousand dollars. With this reduction I approve the bill. It is understood that no money will be expended until a like amount has been contributed by the California Fruit Growers Exchange according to their voluntary pledge. Dated: May 23, 1925. FRIEND WM. RICHARDSON, Governor.]

The people of the State of California do enact as follows:

SECTION 1. To provide for the eradication of the citrus white fly, the director of the department of agriculture is hereby authorized to declare any portion of the State of California where citrus white fly is known to exist to be a citrus white fly district by prescribing the boundaries thereof in a proclamation setting forth said fact and such boundaries, and having a copy of same printed in one or more papers of general circulation in said infested district.

Citrus white fly districts authorized.

SEC. 2. All plants within such citrus white fly district which are infested with citrus white fly or eggs, larvae or pupae thereof, or which there is reasonable cause to presume may be infested with citrus white fly, are hereby expressly declared to be a public nuisance; *provided*, that the existence of any known host plant of citrus white fly within the boundaries of said citrus white fly district shall be deemed reasonable cause to presume said host plant to be infested with citrus white fly.

Public nuisance.

SEC. 3. The director of the department of agriculture is hereby empowered, through his duly authorized agents, and the county horticultural commissioners of each county of the state, their deputies and inspectors, to enforce all the provisions of this act. Any such enforcing officer in the performance of his duties shall have the same powers possessed by peace officers of the city, county or state.

Enforcement of act.

Authority of enforcing officers.

SEC. 4. Said enforcing officers shall have full authority to enter upon any premises within any citrus white fly district to inspect the same for the purpose of determining the presence of known host plants of the citrus white fly, and to cause the destruction of any such host plant in a summary manner; *provided*, that if in the opinion of said director or commissioner such host plant may be treated in a manner to destroy any and all citrus white flies or eggs, larvae or pupae thereof which are or may be thereon, then such director or commissioner may in a summary manner cause such treatment to be given to such host plant as he may deem necessary.

Appropriation.

SEC. 5. For the purpose of enforcing the provisions of this act, there is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of one hundred thousand dollars.

Constitutionality.

SEC. 6. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

CHAPTER 475.

An act making an appropriation to pay any assessment that may be imposed against the State of California under the provisions of an act entitled "An act providing for the creation, organization and governing of joint highway districts composed of two or more counties of the State of California," approved April 5, 1917, and amendments thereto.

[I object to the item "two hundred fifty thousand dollars" in section one and reduce the amount to "one hundred fifty thousand dollars." With this reduction I approve the bill. Dated: May 23, 1925. FRIEND WM. RICHARDSON, Governor.]

The people of the State of California do enact as follows:

Appropriation: joint highway district assessments.

SECTION 1. The sum of two hundred fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated for the following use and purpose: To pay any assessment that may be imposed against the State of California under the provisions of an act entitled "An act providing for the creation, organization and governing all joint highway districts composed of two or more counties of the State of California," approved April 5, 1917, and amendments thereto.

Control of work.

SEC. 2. All the work contemplated by this act is hereby placed under the complete management and control of the California highway commission and the state controller is hereby directed to draw his warrants in such sums and at such

times as the state department of engineering may present claims therefor, and the state treasurer is hereby directed to pay the same to carry out the purposes of this act.

CHAPTER 476.

An act to provide for the survey of and works in and upon the Santa Ana river watershed and basin for flood control; and making an appropriation therefor.

[I object to the item of fifty thousand dollars in section 1 and reduce the amount to twenty-five thousand dollars. With this reduction I approve the bill. Dated: May 23, 1935. FRIEND WM. RICHARDSON, Governor.]

The people of the State of California do enact as follows:

SECTION 1. The sum of fifty thousand dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to be expended under the direction of the division of engineering and irrigation, state department of public works, for the purpose of making a survey of the Santa Ana river watershed and basin and for the construction of works for the control of floods of the Santa Ana river and its tributaries; *provided, however*, that the sum herein appropriated shall not be available until an equal amount shall have been appropriated for the same purpose by the counties of San Bernardino, Riverside and Orange.

Appropriation: Santa Ana river flood control.

CHAPTER 477.

An act to provide for the investigation by the State of California of the possibilities of coordinating the development of the water resources of the state for public protection and to the end that they may be put to the greatest beneficial use, and making an appropriation for said purpose.

[I object to the item of two hundred fifty thousand dollars in section 9 and reduce the amount to one hundred fifty thousand dollars. With this reduction I approve the bill. Dated: May 23, 1935. FRIEND WM. RICHARDSON, Governor.]

The people of the State of California do enact as follows:

SECTION 1. It is hereby declared that the protection of the public interest in the development of the water resources of the State of California is of vital concern to the people of the State of California and that the State of California shall determine in what way the waters of the state, both surface and underground, should be developed for the greatest public benefit, or controlled for public protection.

Public interest.

SEC. 2. The division of engineering and irrigation of the department of public works is hereby authorized and instructed to make the investigation in this act provided for and for the purposes herein specified.

Division to investigate.

SEC. 3. It shall be the duty of the division of engineering and irrigation of the department of public works to investigate the amounts and location of all the waters of the state,

What to investigate and determine.

both surface and underground, and to determine the amounts available for use; to investigate all possible uses of water; and to determine the future growth of these demands and the works necessary for the accomplishment of the greatest use of the state's waters for all purposes; also to investigate the occurrence of floods and the works necessary for their control.

Same.

SEC. 4. It shall be the duty of the division of engineering and irrigation of the department of public works to ascertain the bounds of the agricultural lands of the state and the amounts of water required to bring them to maximum productivity, their economic source of irrigation supply, and the value of delivery of water to the land; to ascertain the amounts of water required for municipal and industrial purposes and for the generation of hydro-electric energy and for all other practicable uses and the economic source of supplies for all these purposes.

Same.

SEC. 5. It shall be the duty of the division of engineering and irrigation of the department of public works to study the coordination of all possible uses of water to the end that a full supply may be obtained as nearly as possible for all purposes with the greatest degree of public economy and to determine a comprehensive plan for the accomplishment of these purposes with the maximum conservation, control, storage, distribution and application of all the waters of the state and to estimate the cost of the necessary works and structures for carrying out this plan and to make all such studies, do all work, make all investigations, compile all data required to determine the manner in which the water resources of the state should be developed for their greatest use and public benefit.

Report.

SEC. 6. It shall be the duty of the division of engineering and irrigation of the department of public works, to prepare a printed report setting forth the results of these investigations with recommendations for a public policy for the development and conservation of the water resources of the state, not later than the first day of January, 1927.

Examination
of data.

SEC. 7. The division of engineering and irrigation of the department of public works in carrying out the provisions of this act, is hereby authorized to examine any and all data, estimates and proposals in furtherance of the above purpose, according to its judgment of their engineering worth, and to consult with and accept the work of any department, bureau, office, service, or division of the United States, or of the state or counties, or with any municipality, irrigation, reclamation, conservation, drainage, flood control, levee, or other district agency for irrigation, reclamation, drainage, or flood control purposes, or for the development of hydro-electric power; or with any interested association, company or individual; *provided, further*, that the division of engineering and irrigation of the department of public works is hereby expressly authorized to accept, receive and use any funds or moneys contributed to it by any irrigation

Cooperation
with U. S.,
etc.

district, reclamation district, water and conservation district or any political subdivision of the State of California for the purpose of cooperating in the work aforesaid and carrying out the purposes of this act.

SEC. 8. The division of engineering and irrigation of the department of public works is hereby authorized, with the approval of the governor, to employ such assistance as in its judgment it may require and to incur such expense as may be necessary to carry out the purposes of this act. The governor is further authorized to appoint a consulting board, composed of representative citizens, to serve in an advisory capacity in preparing the above report.

Assistance
and expense.

SEC. 9. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of two hundred fifty thousand dollars, and made immediately available for any of the purposes of this act.

Appropriation.

SEC. 10. This act shall not in any way be construed so as to deprive persons, corporations, or districts of vested rights.

Vested
rights.

SEC. 11. Any section or portion of a section of any act, statute, or law of the State of California in conflict with the provisions of this act is hereby repealed.

Repealed.

CHAPTER 478.

An act appropriating money to purchase land to be used as a farm by the Agnews State Hospital.

[I object to the item of two hundred twenty-five thousand dollars in section 1 and reduce the amount to one hundred twenty-five thousand dollars. With this reduction I approve the bill. Dated: May 23, 1925. FRIEND WM. RICHARDSON, Governor.]

The people of the State of California do enact as follows:

SECTION 1. The sum of two hundred twenty-five thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be expended under the direction of the department of institutions of the State of California according to law, for the purchase of land to be used as a farm by the Agnews State Hospital.

Appropriation: farm
for Agnews
State
Hospital.

CHAPTER 479.

An act appropriating money for the purchase of land for the Fresno State Teachers College.

[I object to the item of seventy-five thousand dollars in section 1 and reduce the amount to fifty thousand dollars. With this reduction I approve the bill. Dated: May 23, 1925. FRIEND WM. RICHARDSON, Governor.]

The people of the State of California do enact as follows:

SECTION 1. Out of any money in the state treasury not otherwise appropriated, there is hereby appropriated the sum of seventy-five thousand dollars to be expended by the state department of education for the purchase of land for the Fresno State Teachers College.

Appropriation: land
for Fresno
Teachers
College.

CHAPTER 480.

An act appropriating money for improvements at the Humboldt State Teachers College.

[I object to the item of twenty-five thousand nine hundred eighty dollars in section 1 and reduce the amount to twenty-two thousand five hundred dollars. With this reduction I approve the bill. Dated: May 23, 1925. FRIEND WM. RICHARDSON, Governor.]

The people of the State of California do enact as follows:

Appropriation: improvements at Humboldt Teachers College.

SECTION 1. The sum of twenty-five thousand nine hundred eighty dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for improvements, including repairs and equipment, at the Humboldt State Teachers College.

CONCURRENT AND JOINT RESOLUTIONS
AND
CONSTITUTIONAL AMENDMENTS

CONCURRENT AND JOINT RESOLUTIONS AND CONSTITUTIONAL AMENDMENTS

CHAPTER 1.

Assembly Joint Resolution No. 1—Relative to the ratification of an amendment to the constitution of the United States, proposed by the congress of the United States of America, relating to child labor.

[Filed with Secretary of State January 13, 1925.]

WHEREAS, The sixty-eighth congress of the United States of America, at its first session, has adopted House Joint Resolution No. 184, two-thirds of each house concurring therein, proposing an amendment to the constitution of the United States, in the following words, to wit:

Ratification of proposed child labor amendment to U. S. constitution.

“Joint resolution proposing an amendment to the constitution of the United States.

“Resolved by the senate and house of representatives of the United States of America in congress assembled (two-thirds of each house concurring therein), That the following article is proposed as an amendment to the constitution of the United States, which, when ratified by the legislatures of three-fourths of the several states, shall be valid to all intents and purposes as part of the constitution:

“ARTICLE —.

“Section 1. The congress shall have power to limit, regulate, and prohibit the labor of persons under eighteen years of age.

“Sec. 2. The power of the several states is unimpaired by this article except that the operation of state laws shall be suspended to the extent necessary to give effect to legislation enacted by the congress.”

And

WHEREAS, Said proposed amendment will be valid as part of the constitution of the United States when ratified by the legislatures of three-fourths of the several states; therefore be it

Resolved by the assembly and the senate of the legislature of the State of California, jointly, at its forty-sixth session, commencing on the fifth day of January, 1925, a majority of all the members elected to each house of said legislature voting in favor thereof, that the said proposed amendment be and the same is hereby ratified by the legislature of the State of California.

Resolved, further, That certified copies of the foregoing preamble and resolution be forwarded by the governor of the State of California to the President of the United States, the secretary of state of the United States, the president of the senate of the United States and the speaker of the house of representatives of the United States.

CHAPTER 2.

Assembly Joint Resolution No. 4—Relative to federal taxation of community income and community estates in California.

[Filed with Secretary of State January 19, 1925.]

Federal
tax on
community
income.

WHEREAS, The community system of property prevails in the State of California; and

WHEREAS, In the other community property states the husband and wife are permitted to return one-half of the community income each for purposes of federal income taxes; and

WHEREAS, Only one-half of the community property passing to the wife on the death of her husband is subject to the federal estate tax; and

WHEREAS, The right of California taxpayers to equal treatment in these matters with the other community property states has been suspended and has been under the consideration of the attorney general and the secretary of the treasury of the United States since May, 1924; and

WHEREAS, We are advised that the attorney general, whose opinion on the matter was requested by the secretary of the treasury, gave his opinion to the secretary on the matter last October; and

WHEREAS, The absence of a definite ruling upon this matter by the secretary of the treasury is a matter of grave concern to the taxpayers in the State of California and is seriously embarrassing to them; now, therefore, be it

Resolved by the assembly and the senate of California, That we respectfully urge upon the secretary of the treasury the importance of an early decision of these questions by his department and the early publication thereof for the guidance of all taxpayers in this state who may be concerned;

And be it further resolved, That the text of this joint resolution be telegraphed immediately to the secretary of the treasury of the United States.

CHAPTER 3.

Assembly Concurrent Resolution No. 2—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 January 21, 1925.]

Constitutional
recess of
legislature.

WHEREAS, Section two of article four of the constitution of the State of California requires that, after the legislature has been in session for a period not exceeding thirty days, a recess must be taken by both houses for a period of not less than thirty days; therefore, be it

Resolved by the assembly, the senate concurring, That the forty-sixth session of the legislature of the State of California shall adjourn for said recess at twelve o'clock noon on Saturday, January 24, 1925, and shall reassemble at the hour of twelve o'clock noon on Tuesday, February 24, 1925.

CHAPTER 4.

Assembly Concurrent Resolution No. 1—Approving a certain amendment to the charter of the city of San Jose, county of Santa Clara, State of California, voted for and ratified by the electors of said city of San Jose at a special municipal election held therein on the fourth day of November, 1924.

[Filed with Secretary of State January 22, 1925.]

WHEREAS, The city of San Jose in the county of Santa Clara, State of California, contains a population of over twenty thousand inhabitants, and has been ever since the year 1915, and now is, organized and acting under a freeholders' charter adopted under and by virtue of section eight, article eleven of the constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the nineteenth day of April, 1915, and approved by the legislature of the State of California on the fifteenth day of May, 1915, (statutes of 1915, page 1869); and

San Jose
city charter
amendment.

WHEREAS, The legislative body of said city, namely, the council of said city, did, pursuant to the provisions of section eight, article eleven, of the constitution of the State of California, by ordinance adopted September 15, 1924, duly propose to the qualified electors of the city of San Jose, a certain amendment to section seventy-eight of article ten of the charter of said city, and order that said amendment be submitted to said qualified electors of said city at a special municipal election to be held in said city on the fourth day of November, 1924, which date was fixed in said ordinance as the date for holding said municipal election; and

WHEREAS, Said council on September 29, 1924, duly adopted Resolution No. 2114, by which it consolidated said special election called as aforesaid, with the state general election to be held in said city of San Jose on Tuesday, November 4, 1924, authorized the board of supervisors of the county of Santa Clara to canvass the returns for said special election, requested said board of supervisors to adopt an order for the consolidation of said elections, and designated said proposed amendment as proposition No. 19; and

WHEREAS, The board of supervisors of the county of Santa Clara on October 2, 1924, duly adopted and made its order consolidating said elections hereinabove mentioned; and

WHEREAS, Said proposed charter amendment was on September 24, 1924, duly published in the San Jose Mercury Her-

ald, a daily newspaper of general circulation, printed, published and circulated in said city of San Jose, and designated by said council for that purpose; and

WHEREAS, Said proposed amendment was printed in convenient pamphlet form, and from September 24, 1924, to November 3, 1924, both inclusive, a notice was published in said San Jose Mercury Herald, the newspaper aforementioned, that such copies could be had upon application therefor at the office of the city clerk of said city; and

WHEREAS, The council of said city did, by ordinance which was duly adopted on the fifteenth day of September, 1924, order the holding of a special municipal election in said city, on the fourth day of November, 1924, which said date was more than forty days and less than sixty days after the completion of the publication of said proposed amendment as aforesaid, and was published on the twenty-fourth day of September, 1924, in said newspaper, the San Jose Mercury Herald; and

WHEREAS, Said special municipal election was held in said city of San Jose on the fourth day of November, 1924, which date was more than forty days and less than sixty days after said proposed amendment to said charter had been published in the San Jose Mercury Herald; and the said election was also held during the six months next preceding a regular session of the legislature of the State of California; and

WHEREAS, Thereafter, the board of supervisors of the county of Santa Clara, did duly canvass the returns of said special municipal election, and said council of the said city of San Jose did on the twenty-second day of December, 1924, duly and regularly declare the result of the canvass of the returns of said special municipal election; and

WHEREAS, At said special municipal election held on said fourth day of November, 1924, said proposed amendment was ratified by a majority of the electors of said city voting thereon, to wit, proposition No. 19; and

WHEREAS, The said charter amendment so ratified by the electors of the city of San Jose, is now submitted to the legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, in accordance with section eight of article eleven of the constitution of the State of California, and is in words and figures as follows, to wit:

Proposition No. 19.

That Section 78 of Article X of said Charter be amended to read as follows:

FIRE AND POLICE RETIREMENT FUND.

Fire and
police retire-
ment fund.

78. The City Treasurer shall be the trustee of the fire and police retirement fund. The Council may provide for contributions to this fund by the City and by the active members of the Police and Fire Department, to be deducted from their monthly salaries. The contribution of the members of the

Department shall in no case exceed one-third of the contribution of the City. The trustee may also receive gifts or donations to the fund. Unless the terms of the gift provide otherwise, the proceeds thereof shall be deposited in a bank or banks, or invested in bonds of the State of California or any political subdivision thereof and the interest earned thereon shall be credited to the fund.

Any member of the Police or Fire Department who has reached the age of fifty-five years and who has been for twenty years in the aggregate in full time service of either or both departments, may be retired. Any person so retired shall receive a monthly allowance from the said fire and police retirement fund equal to one-half his average monthly salary for the five years next immediately preceding his retirement. Such retirement allowance shall cease when the person retired dies, commits a felony, becomes dissipated or an habitual drunkard.

Any member of the Police or Fire Department who shall become permanently disabled for fire or police duty by reason of any bodily injury received in the performance of his duty, may be retired from the municipal service upon an annual pension equal to one-half his average monthly salary for the five years next immediately preceding his retirement, to be paid to him in equal monthly installments during the balance of his lifetime, provided that any employee who applies for or receives workmen's compensation for such injury shall not have the benefit of this provision for retirement.

State of California, }
County of Santa Clara, } ss.
City of San Jose. }

We, the undersigned, C. B. Goodwin, city manager of the city of San Jose, State of California, and John J. Lynch, city clerk of said city, and ex officio clerk of the council of said city, do hereby certify: Certificate.

That the foregoing proposed and ratified amendment to the charter of the city of San Jose, submitted to the electors of said city at a special municipal election held in said city on the fourth day of November, 1924, have been compared by us and each of us, with the respective proposed amendment set forth in the resolution adopted by the council as hereinbefore stated, and that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the Preamble preceding said amendment to said charter are, and each of them, is true.

In testimony whereof, we have hereunto set our hands and caused the same to be authenticated by the seal of said city of San Jose, this thirtieth day of December, 1924.

(SEAL) C. B. GOODWIN,
City Manager of the City of San Jose.
JOHN J. LYNCH,
City Clerk of the City of San Jose.

Approval by
legislature.

WHEREAS, Said proposed amendment so ratified as hereinbefore set forth, has been, and is now duly presented and submitted to the legislature of the State of California, for approval or rejection, without power of alteration, in accordance with section eight of article eleven of the constitution of the State of California; now, therefore, be it

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 amendment to the said charter herein set forth as presented and ratified by the qualified electors of said city be and the same is hereby approved as a whole, without amendment or alteration for and as an amendment to, and as part of the charter of said city of San Jose.

CHAPTER 5.

Senate Concurrent Resolution No. 2—Approving the charter of the city of Los Angeles, State of California, voted for and ratified by the qualified electors of said city of Los Angeles, upon a special municipal election held therein on the sixth day of May, 1924.

[Filed with Secretary of State January 26, 1925.]

Los Angeles
city charter.

WHEREAS, The City of Los Angeles, in the county of Los Angeles, State of California, now is, and was at all times herein referred to, a city containing a population of more than three thousand five hundred inhabitants, as ascertained by the last preceding census, taken under the authority of the congress of the United States; and

WHEREAS, Said city of Los Angeles at all times mentioned herein was and now is organized and existing under a freeholder's charter, adopted under and in pursuance of the provisions of section eight, article eleven of the constitution of the State of California, which charter was duly adopted and ratified by a majority of the qualified electors of said city at a special election held for that purpose on the twentieth day of October, 1888, and approved by the legislature of the State of California on the thirty-first day of January, 1889. (Statutes of 1889, page 455); and

WHEREAS, Proceedings having been had for the proposal, adoption and ratification of a new charter for said city of Los Angeles as set out in the certificate of the mayor and city clerk of the city of Los Angeles; and

WHEREAS, The mayor and city clerk of said city of Los Angeles have certified as follows:

City of Los Angeles,	} ss.
County of Los Angeles,	
State of California.	

We, the undersigned, Geo. E. Cryer, mayor of the city of Los Angeles, State of California, and Robt. Dominguez, city clerk of said city, do hereby certify and declare as follows:

That the city of Los Angeles, in the county of Los Angeles, State of California, now is and was at all time herein referred to a city containing a population of more than three thousand five hundred inhabitants as ascertained by the last preceding census taken under the authority of the congress of the United States. Los Angeles
city charter.

That said city of Los Angeles at all times herein mentioned was and now is organized and existing under a freeholder's charter adopted under and in accordance with the provisions of section eight, article eleven of the constitution of the State of California, which charter was duly adopted and ratified by the majority of the qualified electors of said city at a special election held for that purpose on the twentieth day of October, 1888, and approved by the legislature of the State of California on the thirty-first day of January, 1889. (Statutes of 1889, page 455.)

That pursuant to the provisions of section eight of article eleven of the constitution of the State of California, the city council of the city of Los Angeles, said city council being then and there the legislative body of said city, did by two-thirds vote of all its members, on the twentieth day of April, 1923, duly pass an ordinance calling a special election to be held in said city of Los Angeles on the first day of May, 1923, for the purpose of nominating candidates for members of a board of freeholders to frame, prepare and propose a new charter for said city of Los Angeles; that at said election candidates for members of a board of freeholders were duly nominated; that thereafter a general municipal election was held on the fifth day of June, 1923; that at said election held on said fifth day of June, 1923, a board of fifteen freeholders, all of whom were electors of said city of Los Angeles and had been such electors for more than five years next preceding their election, and eligible as candidates under said election, were elected by the qualified electors of said city of Los Angeles as such board of freeholders, which said board, within due time as extended by said board with the consent of said city council, pursuant to section eight of article eleven of the constitution, duly prepared and proposed a new charter for the city of Los Angeles and a separate proposition, designated as an alternative proposition, to be voted on by the qualified electors of said city separately, and did on the tenth day of December, 1923, file said new charter and alternative proposition so prepared, in the office of the city clerk of the city of Los Angeles, and did, prior to the filing of said charter and alternative proposition, fix Tuesday, the sixth day of May, 1924, as the day and date on which said charter and alternative proposition should be submitted to the electors of said city, which said Tuesday, the sixth day of May, 1924, was designated on said charter as the day and date upon which an election should be held in said city of Los Angeles, at which election said proposed charter and alternative proposition should be submitted to the electors of said city for ratification.

Los Angeles
city charter.

That said proposed charter and alternative proposition were duly signed by a majority of the members of said board of frecholders on the tenth day of December, 1923, in the following manner, to-wit:

“RESOLUTION OF THE BOARD OF FREEHOLDERS OF LOS ANGELES.

WHEREAS, By the provisions of section eight, article eleven of the constitution of the State of California, this board is authorized and required to fix a date for the submission to the electors of the city of the charter prepared by it;

Now therefore, *be it resolved* that this Board of Freeholders in meeting on this the tenth day of December, 1923, does hereby fix Tuesday, May 6, 1924, as the date for such election.

December 10, 1923.

Approved:

ROBERT M. CLARKE,
President.

Attest:

GEORGE H. DUNLOP,
Secretary.

CERTIFICATE.

Certificate.

We, the undersigned members of the Board of Freeholders of the City of Los Angeles, elected at the general municipal election held in said city on the fifth day of June, 1923, have prepared and do hereby propose as a charter for said city the foregoing, consisting of thirty-two Articles, comprising 246 (typewritten) pages.

We also submit the preceding alternative proposition.

Done at the city of Los Angeles, this tenth day of December, A. D. 1923.

ROBERT M. CLARKE,
President.

JOHN R. HAYNES,
Vice President.

CHAS. A. BASKERVILLE,

E. P. CLARK,

JOHN S. HORN,

FRANKLIN D. HOWELL,

H. W. KELLER,

WILLIAM MEAD,

ORRA E. MONNETTE,

WATT L. MORELAND,

NATHAN NEWBY,

DORA A. STEARNS,

ROBERT M. CLARKE,

JOHN R. HAYNES,

Attest:

GEORGE H. DUNLOP,
Secretary.”

That thereupon said city council of the city of Los Angeles duly caused said charter and alternative proposition to be submitted to the electors of said city for ratification at a special election held on Tuesday, the sixth day of May, 1924, and did,

within fifteen days after the filing of said charter and alternative proposition in the office of said city clerk, cause the same to be published once on the twentieth day of December, 1923, in The Los Angeles Daily Journal, a newspaper of general circulation printed and published in said city, said newspaper being on said date the official paper of said city, and caused copies of said charter and alternative proposition to be printed in convenient pamphlet form, and until the date fixed for the election upon said charter and alternative proposition, advertised in said The Los Angeles Daily Journal, a notice that said copies of said charter and alternative proposition could be had at the office of said city clerk upon application therefor; that said election was duly and regularly held on said Tuesday, May sixth, 1924. That in the body of said charter, which comprises 442 sections, sections 6 and 20 were incorporated, reading respectively as follows:

"Sec. 6. The following officers of the city shall be elected by the electors of the city of Los Angeles, at large: Mayor, City Attorney, Controller, The Members of the Council, The Members of the Board of Education."

"Sec. 20. The Council shall consist of eleven members elected as in this Charter elsewhere provided."

That in proposing said charter the board of freeholders also proposed a separate proposition, conflicting with said sections 6 and 20 as incorporated in the body of the charter, and which was denominated an "Alternative Proposition", as herein above stated; that at said election so held on Tuesday, May sixth, 1924, a majority of the qualified electors voting thereat voted in favor of said proposed charter, and that the City Council of said city duly canvassed the returns of said election and declared the result thereof, and found, determined and declared that a majority of the electors voting at said election had voted for and ratified said charter.

That at said election a majority of the qualified electors voting thereat also voted in favor of said proposed Alternative Proposition, and that the City Council of said city duly canvassed the returns of said election and declared the result thereof, and found, determined and declared that a majority of the electors voting at said election had voted for and ratified said Alternative Proposition, and the City Council thereupon ordered that said Alternative Proposition be incorporated in the new Charter as sections 6 and 20 thereof before the submission of said New Charter to the legislature for approval. That said Charter, so prepared, proposed and ratified as herein set forth, is as follows, to wit:

CHARTER OF THE CITY OF LOS ANGELES.

Prepared and proposed by a board of freeholders elected June 5, 1923. Submitted to the electors Tuesday, May 6, 1924. In Pursuance of the Provisions of Section 8, Article XI, of the Constitution of the State of California.

ARTICLE I.

INCORPORATION AND POWERS.

Incorporation.

Section 1. The City of Los Angeles shall continue to be a municipal corporation under the same name and possessed of all the property and interests of which it was possessed at the time this charter takes effect. The boundaries of the city shall be the boundaries as established at the time this charter takes effect, or as such boundaries may be changed thereafter in the manner authorized by law.

Rights and powers.

Sec. 2. The City of Los Angeles, in addition to any other rights and powers now held by it, or that hereafter may be granted to it under the constitution or laws of the state, shall have the right and power, subject to the restrictions in this charter contained:

- (1) To use a corporate seal.
- (2) To sue and be sued.
- (3) To have perpetual succession.
- (4) To make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in this charter; provided, however, that nothing herein shall be construed to prevent or restrict the city from exercising or consenting to, and the city is hereby authorized to exercise, any or all rights, powers and privileges heretofore or hereafter granted or prescribed by general laws of the state.
- (5) To exercise any or all rights, powers, privileges and procedures now or hereafter established or authorized for municipalities, or for the City of Los Angeles, by any law of the State of California, by this charter, or by other lawful authority.
- (6) To make and enforce within its limits all such local, police, sanitary, safety, welfare and other regulations as are not in conflict with general laws, and to exercise such jurisdiction outside its limits in such manner as may be authorized by law.
- (7) To acquire, construct, maintain, operate or sell, whether situated inside or outside the city or state, any improvement, service, business, utility, enterprise or property which could be acquired, constructed, maintained, operated or sold by any person, firm, corporation or municipality, acting under the laws of the State of California.
- (8) To exercise the fullest measure of local self-government not in conflict with the constitution and laws of the State of California.
- (9) To do all things necessary or convenient for carrying out the rights and powers of said city.
- (10) To exercise each and every of the powers which a municipal corporation might or could exercise under the Constitution of the State of California.
- (11) Among the rights and powers which may be exercised by the City of Los Angeles are the following, this enumera-

tion being a partial enumeration and in no sense a restriction or limitation upon the rights and powers of the city;

(a) To enforce law and promote the public peace, health, safety and welfare; (b) to enact ordinances and provide punishment for the violation thereof; (c) to authorize the administration of oaths; (d) to assess, levy, collect and enforce taxes; (e) to license and regulate under general and uniform laws, any lawful business or calling, and to impose other license fees; (f) to levy, collect and enforce special assessments for public or local improvements, or work, and, in the discretion of the city, to contribute from city funds towards the cost of same; (g) to issue bonds for any purpose for which the city is authorized to provide, or for carrying out any of the powers possessed by the city; (h) to grant franchises for the operation of public utilities; (i) to regulate the operation of and to fix the rates of privately owned public utilities and public services and to compel from time to time reasonable extensions of the facilities for service of any such utility or service, all in a manner not in conflict with any paramount regulation, rate fixing or extension requirements for any such utility or service by the state or nation; (j) to acquire, construct, maintain, operate or sell public utilities within or without the city or state, either by the city itself or in conjunction with other cities or governmental bodies, and to make contracts in connection therewith; (k) to make contracts; (l) to buy, condemn, acquire, construct, maintain, operate, or sell anything useful or convenient in connection with the exercise of the city's rights or powers; (m) to provide for the acquisition, construction, improvement or alteration, maintenance, use and control of streets, tunnels, subways, rights of way, public places, harbors, sewers, storm drains, and other public or local improvements on, above, or below the surface of the land or water; (n) to regulate the construction, maintenance, and use of buildings; (o) to district or zone the city in whole or in part for purposes of municipal legislation applicable to any such districts or zones; (p) to establish offices, departments, procedures, procedure ordinances, special bond districts or special tax districts, or other instrumentalities for municipal government and for carrying out the powers conferred by this charter, not in conflict with the provisions of this charter, and any such procedure ordinance shall be additional or alternative to any procedure established by state law; (q) to receive gifts; (r) to provide for the holding of elections; (s) to provide pensions for any or all employees, and in case of death of any such employee, for the payment of such pension to the surviving widow and children or dependent parents; (t) to transfer or consolidate functions of the city government to or with appropriate functions of the state or county government, or to make use of such functions of the state or county government and in the case of any such transfer or consolidation, the provisions of this charter providing for the function of the city government so transferred or consolidated shall be deemed suspended during the continuation

of such transfer or consolidation, to the extent that such suspension is made necessary or convenient by said transfer or consolidation and is set forth in the ordinance establishing such transfer or consolidation, and any such transfer or consolidation may be repealed by ordinance, which repeal will terminate the suspension of the provisions of the charter hereinabove provided for; (u) to cooperate or join by contract or otherwise, with other cities, with states or the nation, or other governmental bodies, singly, or jointly or in districts or associations, for promoting or carrying out any of the powers of the city or for the acquisition, construction or operation of any works, plants or structures convenient or necessary for carrying out any of the purposes or objects authorized by this charter.

Restrictions.

Sec. 3. The rights and powers granted by this charter shall be subject to the restrictions set forth in this section, or elsewhere in this charter.

Taxation.

(1) (a) The annual tax rate for all municipal purposes other than for the payment of the principal and interest of municipal bonds, district bonds, borough taxes or special district taxes, shall not exceed one dollar and twenty-five cents (\$1.25) on each one hundred dollars (\$100.00) worth of taxable property. It shall require a two-thirds vote of the Council to levy a license tax.

(b) Out of the taxes levied each year six cents (6c) on each one hundred dollars (\$100.00) of taxable property shall be set aside to be expended only in the acquisition of lands, rights of way, or buildings, or the construction of street improvement work, buildings, structures, or other public work or improvements of an estimated life of not less than ten years. The money collected and set aside as above provided shall be placed in a fund designated as the "Permanent Improvement Fund", and, notwithstanding any other provision of this charter, shall remain in said fund until expended for the purposes herein authorized, and shall not be transferred to the "reserve fund".

(2) The city shall have no power to mortgage its property for any purpose, but may buy property subject to mortgage.

Indebtedness.

(3) The indebtedness of the city must not exceed three per cent of the assessed value of all taxable real and personal property within the city, except that a further indebtedness, not exceeding twelve per cent of such assessed value, may be incurred for the purpose of acquiring, constructing or completing any municipally owned public utility, including, among others, water, power and harbor utilities. Whenever any such public utility shall be determined by the Council by ordinance to be self-sustaining, then the bonds issued for such utility may, by ordinance approved by a majority of the voters voting thereon at an election, be excluded from the debt limit.

The indebtedness of any borough or other special local district or of the Los Angeles City School District, shall not be included in computing the debt limit herein provided.

(4) The general laws of the State of California establishing the procedure for the creation of bonded indebtedness in force at the time any bonded indebtedness is created by the city shall, so far as applicable, be observed and followed.

(5) 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. No discrimination in license taxes.

(6) Except as in this charter provided, no public utility owned by the city shall be sold, leased or otherwise transferred without the assent of two-thirds of the qualified voters of the city voting on the proposition at an election at which such proposition shall be submitted.

(7) 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, free and clear of all encumbrances and obstructions, except as follows: Los Angeles River.

(a) Franchises or rights may be granted by ordinance for crossings over or under said river-bed, as defined, to railways, pipe lines, or other public utilities, plants or equipment, said crossings to be located on such elevations or in such manner as shall be defined by ordinance, as shall not obstruct the flow of the Los Angeles River in times of flood, nor conflict with any longitudinal use of the river-bed by the city itself or other uses hereinafter provided for.

(b) Franchises may be granted for the construction and operation of railroad tracks longitudinally along said river-bed, only when such construction and operation shall be required as a necessary part of a general plan for the elimination of grade crossings within the city limits of Los Angeles and a unification of all public terminal rail facilities, other than street and interurban railways, provided that such plan shall insure the joint use of such franchise or franchises along said river-bed, and the joint use of all such unified facilities, on equal terms by all railroads, other than street and interurban railways, now operating within the City of Los Angeles, or which may hereafter apply for entrance to said city, and by any municipal railroad that the City of Los Angeles may find it necessary or convenient to construct or operate along said river-bed; provided, further, that such franchise shall be granted only in connection with a general plan for the elimination of grade crossings and the unification of facilities above provided for to the complete satisfaction of the city after such general plan has been approved by a two-thirds vote of the voters of said city voting on the question at a general or special election, when such matters shall have appeared on the ballot for that purpose.

Franchises and rights granted under the terms of this section shall conform to all the requirements for general franchises, as set forth in this charter.

Nothing in this section shall be so construed as to prevent the city from granting permits for the removal of sand and gravel

from said river-bed, so long as such removal of sand and gravel shall not jeopardize or injure any structures authorized by this section.

Franchises.

(8) (a) The City may grant franchises for fixed terms, permits or privileges, for the construction and operation of plants or works 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 utility or service; may prescribe the terms and conditions of any such grant, and may prescribe by ordinance approved by a vote of the people, the method of procedure for making such grants, subject to the limitations elsewhere contained in this charter; except that the Council shall adopt an ordinance which shall establish the procedure for granting to the holder of an existing franchise, any franchise required for the extension of facilities, ordered by the city, as authorized in paragraph (c) of this subdivision, or for granting a new franchise for a period not exceeding ten years, to replace a franchise about to expire, as authorized in paragraph (d) of this subdivision; provided that such procedure ordinance and every ordinance granting any such franchise shall be subject to the referendum.

(b) 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, upon one year's written notice, either at an agreed price or a price to be determined in a manner to be 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, severance damage, or increased value of right of way.

(c) Every grant of every such franchise, permit or privilege, shall provide that the Board of Public Utilities and Transportation Commissioners shall have power to order extensions of the facilities authorized therein, after a hearing as provided in this charter, and the grantee of such franchise, permit or privilege shall, by its acceptance thereof, agree to comply with every such order. Provided, that when such extension of facilities is for construction or operation outside of the limits of the original franchise to which it will connect, the Council shall first grant such additional franchise rights as may be required to cover such extension.

(d) No fixed term franchise, permit or privilege for the construction and operation of plants or works necessary or convenient for the furnishing of the city and its inhabitants with transportation, communication, terminal facilities, water, light, heat, power, refrigeration and storage, or any other public service, shall be made for a period exceeding twenty-one (21) years, except in the case of franchises for the construction and operation of subways and elevated railways, as herein-

after provided, and no such grant for the extension of an ^{Franchises.} existing utility, operating under a franchise granted by the city or county, shall be made for a period beyond the expiration date of the franchise, under which such utility or the portion of such utility with which such extension is to be connected, is held or operated, nor in any case for a period longer than twenty-one (21) years. The city may, by ordinance, five (5) years or less prior to the expiration of any franchise, grant to the holder of such franchise a new franchise to replace such franchise about to expire, such new franchise to run for a period not to exceed ten (10) years from the date of expiration of the franchise it replaces. All such franchises so granted shall be in accordance with the procedure ordinance at the time in force, and shall carry all the conditions required in the original franchise. No fixed term franchise, permit or privilege for the construction or operation of elevated railways or subways shall be granted for a period exceeding forty (40) years for the original franchise, or for a period exceeding ten (10) years for a franchise to replace a franchise about to expire.

(e) The city may grant indeterminate franchises and re-settlement of fixed term franchises, for the construction and operation of plants or works 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 utility or service and the extensions thereof; and may prescribe the terms and conditions of any such grant; and may prescribe by ordinance, approved by a vote of the people, the method of procedure for making such grants and for requiring extensions of the facilities authorized thereby; subject, however, to the limitations elsewhere contained in this charter.

(f) A re-settlement franchise for an indeterminate period may be granted to a public utility, operating in the City of Los Angeles under more than one franchise, issued for different periods, and for different expiration dates for different parts of its system, which re-settlement franchise shall be in lieu of all other franchises held by it within the corporate limits of Los Angeles. Such re-settlement franchise may be for an indeterminate term, and shall only be granted under all the terms and conditions provided for herein, and which may be provided for in addition thereto in the procedure ordinance to be adopted by a vote of the people as above provided for, regardless of any and all conflicting clauses contained in the franchises provided to be surrendered in lieu thereof. Every re-settlement franchise shall provide for the surrender by the grantee thereof of any or all franchises or rights, owned or claimed by such grantee for the occupation of the streets or public places of said city at the time of said re-settlement, and the acceptance in lieu thereof of the rights and privileges granted by such re-settlement franchises, as a franchise for the continued operation of such utility within the limits of

Franchises.

the city or such portion thereof as had theretofore been operated under the franchise or franchises so surrendered, but not in contravention of any of the conditions of this charter.

(g) Except as otherwise in this charter provided, every indeterminate franchise for the construction, extension or operation of a public utility, shall reserve to the city the right to purchase the property of such utility upon one year's written notice, or to find a purchaser therefor, either at an agreed price or a price to be determined in a manner to be prescribed in the grant, or in the procedure ordinance hereinabove mentioned.

In any indeterminate franchise the price to be paid by the city for any utility shall be on the basis of actual cost to the utility for the property taken, less depreciation accrued, as of the date of purchase, with due allowance for obsolescence, if any, and the efficiency of its units to perform the duties imposed on them; 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, or allowance for damages by reason of severance. All such grants, including grants of extensions, shall be by ordinance subject to the referendary provisions of this charter; and every grant of any such indeterminate franchise or re-settlement shall provide that the Board of Public Utilities and Transportation Commissioners (subject to appeal to the Council) shall have power to order extensions of the facilities authorized therein after hearing as provided in the procedure ordinance referred to in Sec. 3 of this charter, and the grantee of such franchise or re-settlement shall, by its acceptance thereof, agree to comply with every such order.

(h) Every indeterminate franchise shall provide that any new franchise granted to the holder of such franchise shall be considered as a part of such indeterminate franchise, and shall also provide that the Council may by ordinance adopted pursuant to the provisions of the procedure ordinance herein provided for grant to the grantee of such franchise the right to extend the appliances and service of such grantee. All such extensions shall become a part of the aggregate property of such grantee, and shall be subject to all the obligations and rights in favor of the city applicable to the property of the grantee by virtue of such indeterminate franchise.

(i) Every indeterminate franchise shall provide that in case of consolidation with or annexation to the city of any territory not now included in said city, any franchise to operate such utility or any part thereof, held or claimed by the holder of such franchise in or for any portion of such consolidated or annexed territory shall thereupon be surrendered to the city and that the rights and obligations of such franchise shall thereupon automatically extend to such additional territory.

(j) Every franchise shall provide that when purchasing the property of the grantee, the city, if and when permitted

by the provisions of the Constitution of the State of California, may assume the obligations of such grantee for the payment of the bonds then outstanding against said property, not exceeding in aggregate par value the valuation of the property thus purchased, determined as in Sec. 3 of this charter provided, and in such case the par value of such bonds shall be deducted from the said valuation of the property, and the excess, if any, of the valuation of the property over the par value of the bonds so assumed shall be the purchase price to be paid to the grantee by the city for said property.

(k) Every indeterminate franchise shall provide that the grantee thereof shall pay to the city a percentage of the gross revenue annually collected from any and all sources under and by virtue of such franchise, which percentage shall be fixed by the Council.

(l) In granting any indeterminate franchise, the right of the city to purchase, as heretofore provided, shall be enlarged to permit the city to acquire the equity of the utility in part, and from time to time in any or all of the following manners:

That at the option of the city all payments due to the city by the utility provided for in section (k) may be applied to the purchase of the equity in such utility, the equity in this sense being the amount by which the value of the property, as determined in paragraph (b) of this subdivision, exceeds the outstanding bonds as against the property, or may be purchased by having applied to the purchase price of such equity any and all surplus accruing from the operations under this franchise, such surplus being the amount of gross receipts remaining after deducting therefrom all operating expenses, depreciation, taxes, interest on bonded indebtedness at the rate of interest provided for in said bond issues up to an amount not exceeding the value of the property determined as heretofore provided, and interest in addition thereto at a rate of interest that will admit of money flowing freely into the equity of the business on that amount, if any, in the value of the property remaining, after the bonded indebtedness, as above defined, has been deducted.

As the equity shall be acquired by the city, as provided for in paragraph (l), the city shall have such representation in the management of the utility as the equity so acquired bears to the whole equity defined herein.

(m) The city shall have the right, at or after the time of acquiring the whole equity in any public utility, operating under an indeterminate franchise, to retire all outstanding bonds, without penalty or premium, or any other requirements contained in the deed of trust, regarding such bond issue, by the payment therefor in cash not exceeding the par value of such bonds, or in the bonds issued by the city on the basis of par for par, and in accepting an indeterminate franchise, the grantee of same shall submit in writing an acceptance also by

Franchises. the trustee or trustees for the bondholders, whereby they agree to accept the provisions of this section relative to the retirement of bonds.

(n) That every indeterminate franchise shall provide that there shall be a uniform rate for the service rendered by the utility holding such franchise throughout any given area or areas, that may be determined or defined by Council, and that if more than one area shall be so determined and defined, the rate for service from the centre of one area to the centre of the other area shall not exceed the sum of the rate in the lower-rate area plus one-half the rate of the higher rate area, nor from the extreme limits of one area to the extreme limits of the other the sum of the two rates, as defined for each area.

(o) Every such indeterminate franchise granted to any person, firm or corporation for the operation of any street or interurban railway in or upon any of the streets within that part of the city bounded by Figueroa Street, Washington Street, Central Avenue and Temple Street and the prolongation thereof, shall be subject to the condition that the person, firm or corporation operating such street or interurban railway shall, upon one year's written notice given pursuant to a resolution adopted by the Council, remove all the rails, ties and other appurtenances from any and all of the streets within such district, over or under which the city shall have determined to construct or cause to be constructed any elevated railway or subway, whether or not such street or interurban railway be offered facilities on such elevated railway or through such subway so constructed or caused to be constructed. And shall also, upon one year's written notice, given pursuant to resolution adopted by the Council, remove all rails, ties or other appurtenances from any streets, where, in the judgment of Council, the same are not properly located, and re-locate and construct the same on such other streets, or abandon entirely, as the Council may demand in the interests of the public service.

(p) That an indeterminate franchise shall be granted only to a corporation, organized and existing by virtue of the laws of the State of California, and to a corporation or individual maintaining its or his principal office and place of business in the City of Los Angeles, at which shall be kept all the books of account relative to such corporation.

(9) No franchise, permit or privilege shall be granted across or along public streets or ways, or on a private right of way for street, interurban, or other railroads, operated on or suspended from elevated structures, or through subways, until after the adoption by the city of a comprehensive elevated railway and subway plan for the development of rapid transit into, out of and through the city, and the city shall have selected that part of such plan, if any, that it may desire to own and control, operate or lease; but after such selection made by said city, it may make grants not in conflict with such

plan for the operation through or over such parts of said plan as are selected by said city, or for the construction and operation of such parts not so selected, or of additional subways, or elevated railways, or approaches to and connections with that part owned and controlled by said city, at such elevations, grades and alignment as shall be approved and fixed by ordinance. No subways or elevated railways shall be so constructed as to cross at grade. Franchises.

(10) No pavement protected by any patent, trade-mark, trade name, copyrighted name, or any device which tends to prevent competitive bidding, shall be ordered by the city, until the owner thereof has entered into a written agreement with the city transferring to the city all right to the use of the same within the city upon the terms and conditions set forth therein. The city shall not be bound by any such agreement unless the same shall have been approved by a majority vote of the Board of Public Works, two-thirds vote of the Council, and the Mayor, and executed by the Mayor on behalf of the city. No such agreement shall be for a longer period than five years. Use of patented pavements.

Whenever the city shall let a contract for the construction of any such pavement the contractor therefor shall pay to the city the exact sum or royalty which the city is required to pay under its said agreement.

Whenever the city shall construct any such pavement by the direct employment of labor and purchase of materials, the costs of which are chargeable upon the property in a special assessment district, the exact sum or royalty which the city is required to pay under said agreement shall be added to and included in the costs chargeable to the property in said special assessment district.

(11) (a) No building, structure, or any part thereof of a height exceeding one hundred fifty feet shall be erected within that portion of the city described as follows, or within one hundred fifty feet of the exterior boundaries of said district: Height of buildings.

Bounded on the north by Temple Street and the easterly prolongation thereof; on the east by San Pedro Street, and the northerly prolongation thereof; on the south by Pico Street and on the west by Figueroa Street.

(b) No building, structure, or any part thereof, of a height exceeding one hundred fifty feet shall be erected in any portion of the city outside of said district, except in districts zoned for manufacturing and industrial purposes, when authorized by ordinance; and provided, further, that before the issuance of each permit for any such building or structure in excess of one hundred fifty feet in height in such manufacturing and industrial districts, the Council shall by ordinance determine that the proposed building or structure is intended for manufacturing or industrial purposes, and that substantial and adequate reasons of a manufacturing or industrial nature justify the issuance of such permit.

(c) Any building or structure erected on sloping ground may exceed said limit of height in so far as such additional

height may be required to overcome differences in adjoining sidewalk or ground elevations, but no building or structure shall exceed a height of one hundred fifty feet, measured from the highest point of the adjoining sidewalk or ground level on at least one street frontage, nor shall any such building exceed a height of one hundred sixty-five (165) feet measured from any other point of adjoining sidewalk or ground level. No building shall have more than thirteen (13) stories, counting the story on the main floor level, but not counting the basement stories. Height limits shall be measured vertically from the adjoining sidewalk or ground level to the highest point of ceiling of the top story of the building at the point of measurement. Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, roof signs, flag poles, chimneys, smokestacks, wireless masts or similar structures may be erected above the limits of height hereinbefore prescribed, as may be provided by ordinance, but no penthouse or roof structure, or any space above the ceiling of said top story shall be allowed for the purpose of providing additional floor space above the top floor of the building.

Spur and
side tracks.

(12) The city may issue permits for the construction of spur or side tracks and the running of cars thereon, for the purpose of connecting warehouses, manufactories or other business industries and enterprises with any line of railroad or railway within the city, upon such terms and subject to such regulations and conditions as may be prescribed from time to time by ordinance, such tracks to be used for transportation of freight only, and not to be used as a main line or a part thereof; and also for the purpose of excavating or filling in a street or portion of a street or the adjoining land, and for such limited time as may be necessary for such purpose and no longer. Such tracks must be laid and operated in such manner and under such restrictions as not to interfere with the use of the streets by the public. All such permits shall be revocable at the pleasure of the Council.

(13) The Council shall not appropriate or provide any public money for the printing, publication, sale or distribution of a municipal newspaper.

Penalties.

(14) The city may make the violation of its ordinances a misdemeanor and may prescribe punishment therefor by fine not to exceed five hundred dollars (\$500.00) or by imprisonment not to exceed six months, or by both such fine and imprisonment.

City not
to engage
in business.

(15) Under the authorization of Sub. (7) of Sec. 2 of this charter, the City of Los Angeles shall not engage in any purely commercial or industrial enterprise of such character that it is authorized only by said Sub. (7) of Sec. 2 and is not authorized by any other provision of this charter, and not engaged in by the city at the time this charter becomes effective, except on the approval of a majority of the electors voting thereon at an election.

(16) The rights and powers conferred by this Article shall be exercised by ordinance, except as otherwise provided in this charter.

ARTICLE II.

OFFICERS OF THE CITY.

Sec. 5. The officers of the city shall be:

Officers.

A Mayor,

The Members of the Council,

A City Attorney,

A City Clerk,

A Controller,

A Director of the Bureau of Budget and Efficiency,

A City Engineer,

A City Prosecutor,

A Purchasing Agent,

A Secretary of the Board of Public Works,

A Treasurer,

The Members of the Board of Education,

A City School Superintendent,

The Members of the Boards of the Departments and the Chief Administrative Officer of each Department.

Such other officers as shall be named by ordinance.

Sec. 6. (1) The following officers of the city shall be elected by the electors of the City of Los Angeles, at large: Elective
officers.

Mayor,

City Attorney,

Controller,

The members of the Board of Education.

(2) The members of the Council shall be elected by districts, as follows:

(a) The Council in office at the time of the approval of this charter by the Legislature, shall, not less than sixty (60) days before the primary nominating election to be held on the first Tuesday in May, 1925, divide the city into fifteen (15) districts. Districts so formed shall comprise as nearly as practicable equal numbers of voters, as determined by the total number of votes cast for Governor in said districts at the last preceding state election at which a governor was elected, and be composed of contiguous and compact territory and bounded by natural boundaries or street lines. Any territory hereafter annexed to or consolidated with the City of Los Angeles shall, at the time of such annexation or consolidation be added to an adjacent district or districts by the Council by ordinance.

At the general election in June, 1925, one councilman shall be elected by each of the districts so constituted.

On or before the first day of October, 1929, and each four years thereafter, the Council shall by ordinance redistrict the city into fifteen districts in the same manner as prescribed in this section, and such districts shall be used for all elections of councilmen subsequent to such date until new districts are established.

The electors signing any petition for the nomination of any person to the office of member of the Council, or for the recall of any member of the Council, shall be residents of the district from which such person seeks to be elected as member of the Council, or in case of a recall petition, of the district from which such member was elected. The names of no electors not residents of the district shall be counted in determining the sufficiency of any such petitions.

Terms of office.

Sec. 7. The Mayor, City Attorney and Controller shall hold their offices for a term of four years and the members of the Council for a term of two years, commencing on the first day of July next succeeding their election.

At the Primary Nominating and General Municipal elections held in 1925, all seven members of the Board of Education shall be elected, the three candidates elected receiving the highest number of votes being elected to four-year terms each, beginning with the first day of July next succeeding their election, and the four remaining candidates elected being elected to two-year terms each from said date. Thereafter, at the biennial elections four members of the Board of Education shall be elected, the three candidates elected receiving the highest number of votes to four-year terms, and the fourth candidate elected to a two-year term.

Deputies.

Sec. 8. Except as otherwise in this charter provided, all officers of the city shall have such deputies and assistants as the Council shall by ordinance prescribe.

Vacancies.

Sec. 9. An office becomes vacant when the incumbent thereof dies, resigns, is adjudged insane, convicted of a felony, or of an offense involving a violation of his official duties, or is removed from office, or shall have been absent from the city without the consent of the Council for more than sixty consecutive days, or ceases to be a resident of the city, where residence therein is made a qualification for the office. Should any officer fail to qualify within ten days from the time he receives his certificate of election or appointment, the office to which he was elected or appointed shall be deemed vacant for the purpose of filling the same by appointment.

Suspension from office.

Sec. 10. Pending trial, the Council may suspend any elective officer, and the appointing power may suspend any appointive officer, against whom criminal proceedings, based on malfeasance or misdemeanor in office or civil action for the recovery of money due the city has been commenced, and may appoint a substitute for such officer during such suspension.

Removal from office.

Sec. 11. The officers of the city shall hold office for the terms elsewhere in this charter provided and until their successors have qualified. In the case of appointive officers the appointing power shall have power of removal, except that where confirmation is required for appointment, the assent of the confirming body shall be requisite for removal, and where the officer is appointed subject to the Civil Service

provisions of this charter, such removal shall be in accordance therewith, except as elsewhere specifically provided in this charter.

Sec. 12. In all voting upon the appointment, confirmation, suspension and removal of officers, the members of the Council, or other body appointing, confirming, suspending or removing, shall vote by open ballot or call of roll, and the ballot or vote of each member shall be spread upon the minutes. Record of action.

Sec. 13. Every officer provided for in this charter shall, before entering upon the discharge of the duties of his office, take and subscribe to the following oath or affirmation: "I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of (here inserting the name of the office) according to the best of my ability." Oath of office.

Sec. 14. No elective officer of the city shall, during the term for which he shall have been elected, be eligible to any other office or employment in the city government. Eligibility to other office.

Sec. 15. In addition to the powers and duties prescribed by this charter, the officers and employees of the city shall have such other powers and perform such other duties as may be prescribed by the laws of the State of California, or by ordinance, order, or resolution adopted by the Council, and not in conflict with the provisions of this charter. Additional powers and duties.

Sec. 16. The Council may by ordinance provide for the election or appointment of officers other than those designated in this charter, whenever the public necessity or convenience may require, and prescribe their duties and fix their compensation; provided, that such duties shall not include any of the duties of any officer designated in this charter, or of his deputies or assistants. Additional offices.

ARTICLE III.

POWERS AND DUTIES OF THE COUNCIL.

Sec. 20. The Council shall consist of fifteen (15) members, elected as in this charter elsewhere provided. Council.

Sec. 21. All legislative power of the city except as herein otherwise provided, is vested in the Council and shall be exercised by ordinance, subject to the power of veto or approval by the Mayor as herein set forth. Other action of the Council may be by order or resolution, upon motion. Ordinances.

Sec. 22. The Council, except as otherwise in this charter provided, is the governing body of the city and shall meet at least five days each week. It shall provide by ordinance for the time and place of all regular and special meetings, which shall always be held in the City Hall, when practicable. All meetings of the Council and records of its proceedings shall be open to the public. Meetings.

Sec. 23. The Council shall be the judge of the election and qualification of its members. It shall elect one of its

members as presiding officer, who shall be styled the "President of the Council", and who shall in case of sickness of the Mayor, or his absence from the city, or disability, act as Mayor of the City, provided that the President of the Council while acting as Mayor, shall not lose his rights as a member of the Council. The Council shall have power to prescribe the rules of its proceedings and to preserve order at its meetings and may punish contemptuous or disorderly conduct in its presence by a fine not exceeding Fifty Dollars (\$50.00), or by imprisonment of not exceeding ten days, or by both such fine and imprisonment.

Enacting
clause.

Sec. 24. The enacting clause of all ordinances shall be substantially as follows: "The People of the City of Los Angeles do ordain as follows."

Quorum.

Sec. 25. Two-thirds of the members of the Council shall constitute a quorum, except that if the Council shall consist of eleven members, seven shall constitute a quorum for the transaction of business but a smaller number may adjourn from time to time until a quorum be present, and may compel the attendance of absentees. Except as otherwise in this charter provided, action by the Council shall be taken by a majority vote of the entire membership of the Council. Whenever in this charter a certain proportion of the Council is required for the performance of any act, it shall mean such proportion of the entire membership of the Council.

Majority
vote.

Ordinances
to lay
over.

Sec. 26. No ordinance shall be passed finally on the day it is introduced, but the same shall be laid over for one week, unless approved by unanimous vote of all the members of the Council present, provided there shall be not less than three-fourths of all the members present.

Minutes.

Sec. 27. The City Clerk shall maintain a record of the proceedings of the Council and shall record the ayes and noes in the final action upon the question of granting of franchises, making of contracts, approving of bills, disposing of or leasing city property, the passage or reconsideration of any ordinance, or upon any other act that involves the payment of money or the incurring of debt by the city, and in all other cases upon the call of any member; also upon all actions in relation to assessment proceedings.

Interest of
officials in
contracts.

Sec. 28. No member of the Council shall be financially interested, directly or indirectly, in any contract, sale or transaction to which the city is a 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 herein-

above 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.

Sec. 29. Every ordinance which shall have been passed by the Council shall, before it becomes effective, be signed by the City Clerk or other person authorized by the Council to sign the same on its behalf, and be presented to the Mayor for his approval and for his signature if he approves it; if not, he shall endorse thereon the date of presentation to him and shall return it to the City Clerk with his objections in writing. The City Clerk shall endorse thereon the date of its return to him, and shall at the first meeting of the Council thereafter present the same, with the objections of the Mayor, to that body. Thereupon the Council shall proceed to reconsider the passage of the ordinance. Upon such reconsideration it shall in all cases require the votes of two-thirds of the whole Council to pass such ordinance, over the veto of the Mayor, but where two-thirds vote is required for the original ordinance, three-fourths shall be required to pass it over the veto of the Mayor.

Approval and reconsideration of ordinances.

Sec. 30. If any ordinance shall not be returned to the City Clerk by the Mayor, with his objections in writing, within ten days after it shall have been presented to him, it shall become effective and be as valid as if the Mayor had approved and signed it.

Ordinances effective without signature.

Sec. 31. All ordinances finally adopted under the provisions of this charter shall be published in the English language by at least one insertion in some daily newspaper printed and published in the City of Los Angeles, or by posting for at least ten days in three public places in said city, and until and without such publication or posting no ordinance shall be valid or take effect.

Publication.

Sec. 32. The Council may provide by ordinance the duties of all boards or officers whose duties are not defined by this charter, and it may by ordinance provide for any board or officer created by this charter or by ordinance, duties other than those herein prescribed and not inconsistent with the provisions of the charter. It may fix the hours during which the public office of any city officer shall be kept open, if not otherwise herein provided.

Duties of boards and officers.

Sec. 33. The Council shall by ordinance provide, except as to those departments given control of their own definite revenues or funds, suitable quarters, equipment and supplies for the various departments and offices of the city government. It shall create the necessary positions in addition to those created by this charter in said departments and offices, authorize the necessary deputies, assistants and employees and provide the necessary funds for carrying on the work of said departments and offices. It shall fix the salaries of all officers and employees except as otherwise provided in this charter. Upon request from any department given control of its own definite revenues or funds, the Council may assist

Quarters, equipment, supplies, employees.

such department in the performance of its functions, with appropriations of money or otherwise.

Committees
of council.

Sec. 34. All the functions of the government of the city shall, by ordinance, be divided or grouped into divisions equal to the number of the members of the Council and each member of the Council shall be chairman of a committee consisting of three Councilmen for one of such divisions. It shall be the duty of each such committee to be fully informed of the business of the city included within the division to which it is assigned, and to report to the Council such information or recommendations concerning the business of such divisions as shall be necessary to enable the Council properly to legislate for such division. Each Council committee shall, as such committee, have no administrative control over the various functions of the city government embraced within the division to which it 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 subdivisions shall continue to be vested in the officials duly elected or appointed in accordance with the provisions of this charter. Said committees, and the chairmen thereof shall be appointed by the President of the Council.

Ordinances.

Sec. 35. Except as otherwise in this charter specifically provided, the Council shall have full power to pass ordinances upon any subject of municipal control, or to carry into effect any of the powers of the city.

Street
traffic.

Sec. 36. The Council shall by ordinance, within ninety days after this charter becomes effective, provide for the study of the problems of street traffic and for the recommendation of rules and regulations in relation thereto. The duty of making such study and recommendations may be conferred upon one of the boards established by this charter, or upon a board created by said ordinance, and the Council may thereafter, by ordinance, transfer all of said powers and duties to a different board therein or by this charter established. The board so created by ordinance shall be appointed and organized, and the business thereof conducted pursuant to the provisions of Article VI of this charter. Said board shall recommend such rules and regulations for enactment into ordinance by the Council which shall vote upon any such recommendation within thirty days from the date of the receipt thereof by the Council. It shall be competent for the Council, by ordinance, to provide that said board may, by resolution which shall become effective when published once in a newspaper of general circulation in the city, adopt rules regulating parking or other use of vehicles upon the streets or other public ways of travel, and any other use thereof, when determined by said board to be necessary to meet an emergency, and to provide in such ordinance a penalty for the violation of any rule so adopted; provided that no rule so adopted shall remain in force longer than

thirty days unless incorporated into an ordinance, as herein provided.

The Council shall not have power to adopt any ordinance regulating the manner of the use of public streets or other public ways of travel by persons, the manner of the use or operation of vehicles upon the same, the making of excavations therein, or the placing of obstructions thereon unless such ordinance shall have first been recommended by said board, or unless two-thirds of the members of the Council shall vote in favor thereof; but nothing in this section shall be construed to restrict or otherwise affect the granting of franchises as elsewhere provided in this charter, nor shall any of the provisions of this section apply to the routing or re-routing of street cars or motor bus lines.

Sec. 37. The Council shall have power to provide for any or all of the following improvements, to wit: The establishing, laying out, opening, extending, widening, narrowing, straightening and vacating of streets, avenues, alleys, lanes, boulevards, crossings, courts, and other highways and public places and rights of way; the construction or reconstruction or improvement or re-improvement or repairing, in any manner whatsoever, and the establishing, modifying or changing the grade of streets, avenues, alleys, lanes, boulevards, crossings, courts, bridges, viaducts, subways, tunnels and other subterranean avenues for travel, other highways and public places, rights of way and property belonging to the city; and the construction or reconstruction or repair in, under, over or through any street, avenue, alley, lane, boulevard, crossing, court, bridge, viaduct, subway, tunnel, or other subterranean avenue for travel, other highways and public places, rights of way and property belonging to the city, of sewers, ditches, drains, conduits, tunnels and channels for sanitary and drainage purposes, or either or both thereof, with outlets, cesspools, manholes, catch-basins, flush tanks, septic tanks, pumping plants, disposal plants, connecting sewers, ditches, drains, conduits, channels, and all other appurtenances: of pipes, hydrants, and appliances for fire protection or the distribution of a municipal water supply; of tunnels, viaducts, conduits and subways, breakwaters, levees, bulkheads and walls of rock or other material for protection from overflow or injury by water; of poles, posts, wires, pipes, conduits, lamps and other suitable or necessary appliances for the purpose of lighting the same; and the planting of trees thereon; any or all of said improvements to be made either by contract or by the city by the direct employment of labor and purchase of materials, or by both said methods; and to make the costs and expenses thereof, including all incidental expenses and any damages to private property occasioned thereby, to be paid from the general fund of the city or from such other fund as the Council may designate: or to make such costs and expenses, including such incidental expenses and damages, a lien upon the abut-

Ordinances
regulating
use of
streets.

Street
improve-
ments.

ting property, or upon property in districts according to benefits, which lien shall be a first lien, paramount to all other liens except those for state, county and municipal taxes; and to make and enforce provisions for the enforcement of such lien; and to levy and collect or cause to be levied and collected assessments upon property according to frontage or upon property in districts according to benefits, to pay the cost of any such improvements; and, whenever any lot, piece, or parcel of land belonging to the United States, or to the State of California, or to the County of Los Angeles, or to the City of Los Angeles, or to any public agent or mandatory of the Government, whether federal, state, county, or municipal, and being used in the performance of any public governmental function, shall front upon any work or improvement done hereunder, or shall be included within the district declared to be benefited thereby and to be assessed to pay the cost and expenses thereof, said lots, pieces or parcels of land so owned and in use or any of them, may be omitted from the assessment to be made to cover the cost and expense of the work or improvement, in which event the total expense of all work done, including incidental expenses and damages, shall be assessed on the remaining lots, pieces, or parcels of land 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; and to issue and sell or cause to be issued and sold bonds, bearing interest, extending over a period of not exceeding 25 years, to represent any or all such assessments; such assessments and bonds, if such bonds be issued, may be made payable to the city, if the Council so declares in the ordinance of intention in any proceeding, and the city shall own and collect the same, and in that event the city shall pay the contractor in cash out of a revolving fund which the city is empowered to create, and into which fund all moneys derived from such assessments and bonds shall be deposited; and whenever the city shall elect to take over the assessments and bonds in any proceeding, the Council shall immediately upon the recording of the assessment, cause to be issued and offered for sale serial bonds in even amounts, as nearly as may be, in the approximate amount of such assessments and bonds issued in such proceeding and bearing like interest, payable in annual payments at the same time or times, as nearly as may be, as the bonds issued in said proceeding; the said bonds, in even amounts, so issued by the city, shall be paid out of said revolving fund and not otherwise, and shall be secured only by said fund and the assessments and bonds so issued to represent assessments in said proceeding; and to adopt by ordinance the necessary method of procedure to carry out the provisions hereof. The powers herein granted to the city shall be supplemental, additional and alternative powers to those conferred upon municipalities by general laws of the State of California now or hereafter in force.

ARTICLE IV.

POWERS AND DUTIES OF OFFICERS.

THE MAYOR.

Sec. 40. (1) The Mayor is the executive officer of the city and shall exercise a careful supervision over all its affairs. Mayor: powers and duties.

(2) It shall be the duty of the Mayor, annually, at the first meeting of the Council in January of each year to communicate by message to the Council a general statement of the condition and affairs of the city, and to recommend the adoption of such measures as he may deem expedient and proper; and to make such special communications to the Council from time to time as he shall deem expedient.

(3) It shall be his duty to be vigilant and active in the enforcement of the ordinances of the city; to exercise a constant supervision over the acts and conduct of all officers and employees; to receive and examine into all complaints made against them for violation or neglect of duty, and certify the same to the Council, or proper board; and to secure cooperation between the various departments and offices of the city.

(4) He shall make the various appointments required by the charter to be made by the Mayor and in sending the names of appointees to the Council for their approval, he shall file with the Council to be read before the question of confirmation is voted upon a certificate substantially in the following form:

I hereby appoint ----- to the position of ----- and I certify that in my opinion he is especially qualified by reason of training and experience for the work which shall devolve upon him, and that I make the appointment solely in the interest of the city.

No appointments shall be considered unless accompanied by such certificate.

(5) The Mayor shall appoint and may remove a Secretary to the Mayor. He shall also appoint, subject to confirmation by the Council, the officers of the city mentioned in this charter, whose appointments are not otherwise specifically provided for herein.

(6) He shall perform such other duties and have such other powers as are elsewhere in this charter, or by ordinance, imposed upon or granted to him.

THE CITY ATTORNEY.

Sec. 42. (1) 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 years next preceding his election. He shall devote his entire time to the duties of his office. City Attorney: powers and duties.

The powers and duties of the City Attorney shall be as follows:

(2) The City Attorney must prosecute and defend for the city all actions at law or in equity, and special proceedings, for or against the city, or in which it may be legally interested, or for any officer of the city in any action or proceeding, when directed so to do by the Council.

(3) Whenever any cause of action at law or in equity or by special proceeding exists in favor of the city, the City Attorney shall commence the same when within his knowledge or when directed so to do by the Council. He shall give his advice or opinion in writing, to any officer or board of the city, when requested so to do by such officer or board; provided, that the Council shall have control of all litigation of the city, and may employ other attorneys to assist the City Attorney therein, with his approval in writing first had and obtained.

The Board of Water and Power Commissioners, the Board of Harbor Commissioners, or any board in control of a department of the city government operating a public utility owned by the city, may, with the approval of the Council and City Attorney given in writing but not otherwise, employ (and fix the compensation of and other conditions of employment including termination of the same) other attorneys to assist the City Attorney in performing his duties in relation to any such department. The compensation for such extra legal services shall be paid out of the special funds under the control of the department receiving such services.

(4) He shall approve, by endorsement in writing, the form of all official or other bonds required by this charter, or by ordinance, before the same are submitted to the proper body, board or officer for final approval, and no such bond shall be approved without such approval as to form by the City Attorney. Except as otherwise in this charter provided, he shall approve in writing the draft of all contracts before the same are entered into by or on behalf of the city. The City Attorney shall do and perform all such other things affecting or relating to his office as may be required of him by ordinance.

(5) 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 causes wherein he appears, and books of record and registry of all actions or proceedings in his charge, in which the city, or any officer or board is a party or is interested.

(6) The City Attorney may appoint such assistants, deputies, clerks, stenographers and other persons as the Council, by ordinance, shall prescribe; provided, however, that each assistant must, at the time of his appointment, be qualified to practice in all of the courts of the state, and must have been so qualified at least two years next preceding his appointment.

CITY CLERK.

City Clerk:
powers
and duties.

Sec. 44. (1) The City Clerk shall be appointed by, and may be removed by the Mayor, subject in both appointment and removal to confirmation by the Council and to the Civil Service provisions of this charter.

(2) The City Clerk shall have the custody of, preserve, and be responsible for the City Seal, the city ordinances, contracts, books, papers, records, archives and other documents entrusted to his care, belonging to the city and not in actual use by other officers, or elsewhere by special provision committed to their custody, and shall keep a suitable record of the same.

(3) He shall be present at each meeting of the Council and keep a record of its proceedings.

(4) He shall keep all the books properly indexed, and when not in actual use, open during regular office hours, to public inspection.

(5) He shall administer all oaths and affirmations required by this charter, except as herein otherwise provided.

(6) Upon the demand of any officer, board or head of a department, elsewhere in this charter empowered to summon witnesses for hearings, the City Clerk shall issue a subpoena requiring the attendance of the witness sought to be subpoenaed at a time and place specified, and shall deliver said subpoena, for service, to a member of the Police Department detailed for such duty. Such subpoena shall be issued in the name of the city and shall be attested with the City Seal.

(7) He shall maintain a complete record of the real estate holdings of the city.

(8) He shall superintend elections as in this charter provided.

(9) He shall make out, sign and deliver to the Controller all licenses other than building permits, and perform such other duties as are, or shall be, imposed by this charter, or by ordinance. He shall devote his entire time to the duties of his office.

CONTROLLER.

Sec. 46. The Controller shall be the auditor and general accountant of the city and shall exercise a general supervision over the accounts of all officers, boards and employees of the city charged in any manner with the receipt, collection or disbursement of the money of the city.

Controller:
powers and
duties.

Sec. 47. (1) The Controller shall have power to prescribe the method of installing, keeping and rendering all accounts of the several officers, boards or employees of the city; provided, however, that any change of the system of accounting shall first be authorized by the Council.

(2) He shall keep in his office a complete set of accounts which shall show at all times the financial condition of the city, the state of each fund, the source from which all money was derived and for what purposes all money has been expended.

(3) He shall, on application of any person indebted to the City, or for any person holding money payable into the City Treasury and desiring to pay money thereinto, certify to the Treasurer the amount thereof, in which fund it shall be deposited and by whom to be paid. He shall, upon the deposit

of evidence of the receipt by the Treasurer of money paid into the City Treasury, charge the Treasurer with the amount so received.

(4) He shall audit all accounts and money coming into the hands of the Treasurer and shall maintain a reconciliation between all accounts kept in the books in the office of the Treasurer with the accounts kept in the books in his own office and shall from time to time verify the condition of all funds in the hands of the Treasurer, and shall report to the Mayor and Council thereon.

(5) He shall keep a register of demands showing the fund upon which they are drawn, the number, in whose favor, for what service, the appropriation applicable to the payment thereof, when the liability accrued and the authority for same.

(6) He shall allocate among the several respective funds all public money at any time in the City Treasury not by law or ordinance otherwise specifically allocated and appropriated, and forthwith notify the Treasurer of such allocation or appropriation.

(7) He shall report to the Mayor and Council, monthly, the condition of each fund in the books of his office, and shall make such other or special reports as the Mayor or Council may from time to time request.

(8) He shall audit and approve before payment, all demands drawn on the several funds of the city and keep a record of the same in accordance with any provisions made by law or ordinance or by this charter.

(9) He shall inspect and audit the books, accounts, funds and securities of every person charged in any way with the safe keeping or disbursement of public money or securities.

(10) He shall have power to maintain each fund on a parity with its obligations at all times, by transferring from the Reserve Fund as a loan to any fund which may become depleted through tardy receipt of revenues. He shall, in all cases, upon receipt of revenues sufficient to make such allocation as will restore each such fund to parity, retransfer the amount of such loan to the Reserve Fund.

(11) Prior to his approval of any demand therefor, he may, in addition to other inspection provided, make inspection as to the quality, quantity and condition of services, labor, materials, supplies or equipment received by any officer or department of the city. If, in his opinion, any demand is not a legal demand, he shall withhold approval of the same, and immediately file such demand, together with his action thereon and reasons therefor, with the Council, for instructions thereon, as elsewhere in this charter provided.

(12) He shall keep a record and have custody of all official bonds except the bond of the Controller, which shall be filed with the City Clerk, and shall have charge of the placing and renewal of all corporate surety bonds of officers or employees;

provided, however, that the reliability of corporate sureties shall be first subject to the approval of the Council.

(13) He shall countersign and deliver to the proper officer, all licenses other than building permits, issued by the city.

(14) He may suggest plans for the improvement and management of the revenues of the city.

CITY ENGINEER.

Sec. 49. The City Engineer shall be appointed by the Board of Public Works and shall be a civil engineer of not less than five years professional experience. He shall receive such salary as the Council shall by ordinance prescribe, and shall hold office at the pleasure of the board. He shall perform such civil engineering and surveying necessary in the prosecution of public work done under the direction or supervision of the board as the said board may require. He shall make such certificates and reports upon the progress of such work, and shall make such surveys, inspections and estimates, and perform such other surveying or engineering work as may be required by said board or by the Council. He shall devote his entire time to the duties of his office, and shall receive no compensation in addition to his salary.

City
Engineer:
powers and
duties.

He shall have all the powers and perform all the duties imposed upon him by this charter, the ordinances of the city, the general laws of the state and the orders of the Board of Public Works, and shall be the custodian of and responsible for all maps, plans, profiles, field notes and other records and memoranda belonging to the city pertaining to his office and the work thereof; all of which he shall keep in proper order and condition, with full index thereof, and shall turn over the same to his successor.

All maps, plans, profiles, field notes, estimates and other memoranda of surveys and other professional work made or done by him, or under his direction or control during his term of office, shall be the property of the city.

CITY PROSECUTOR.

Sec. 51. The City Prosecutor shall be appointed by the Mayor, subject to confirmation by the Council. He must be at the time of his appointment qualified to practice in all of the courts of this state, and he must have been so qualified for at least five years next preceding his appointment. He shall devote his entire time to the duties of his office.

City
Prosecutor:
powers and
duties.

Sec. 52. The City Prosecutor may appoint such assistants, deputies, clerks, stenographers and other persons as the Council, by ordinance, shall prescribe; provided, however, that each assistant 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 years next preceding his appointment.

Sec. 53. The powers and duties of the City Prosecutor shall be as follows:

(1) The City Prosecutor shall institute, attend and conduct, on behalf of the people, all criminal cases arising upon violations of the provisions of this charter or the ordinances of the city, in the court of original jurisdiction, and on appeal.

(2) The City Prosecutor shall draw complaints in such cases, and prosecute all recognizances and bail bonds forfeited in said cases. He shall prosecute all actions for the recovery of fines, penalties and forfeitures and other money accruing to the City of Los Angeles in said cases.

(3) Whenever it shall be authorized by the laws of this state, the City Prosecutor shall prosecute any or all misdemeanor offenses arising upon violation of the laws of the state and appeals arising therefrom. He shall draw complaints for misdemeanors committed against the laws of this state, prosecute all recognizances and bail bonds forfeited in such misdemeanor cases and prosecute all actions for the recovery of fines, penalties and forfeitures accruing to the City or County of Los Angeles in said cases.

(4) Whenever the laws of the state shall so provide, if any person held in custody or restraint by any peace officer of the city and charged with having committed any criminal offense against the provisions of the charter of this city, or the ordinances thereof, or with having committed any misdemeanor or other offense in the City of Los Angeles against the laws of the state, shall apply for a writ of habeas corpus, a copy of the application for such writ must in any such case be served upon the City Prosecutor at such time and in such manner as may be provided by such laws; and it shall be the duty of the City Prosecutor to conduct all proceedings connected with or relating to the application for or hearing upon such writ on behalf of the people, provided that in all matters of habeas corpus in which the constitutionality of any law or ordinance has been raised and in all appeals in which the constitutionality of any law or ordinance has been raised, the City Prosecutor must immediately notify the City Attorney thereof, and in all such cases the City Attorney may in his discretion become associated with the City Prosecutor in any such action or proceeding and have charge of such litigation.

(5) It shall be his duty to keep a register of his official business, in which must be entered a note of all actions, whether criminal or civil, prosecuted or defended officially by him, and of the proceedings therein.

PURCHASING AGENT.

Purchasing
Agent.

Sec. 55. The Purchasing Agent shall be appointed and may be removed by the Mayor, subject in both appointment and removal to confirmation by the Council and to the Civil Service provisions of the charter.

Sec. 56. The Purchasing Agent shall make purchases for the city as in this charter provided.

TREASURER.

Sec. 58. There is hereby established an official depository ^{Treasurer.} of the city to be known as the City Treasury, which shall be under the direction and control of the Treasurer of the City of Los Angeles. The Treasurer shall be appointed by and may be removed by the Mayor, subject in both appointment and removal to confirmation by the Council and to the Civil Service provisions of the charter.

Sec. 59. (1) The Treasurer shall be the custodian of all money deposited in the City Treasury. Such money shall be paid out upon the presentation of warrants legally audited, in the manner elsewhere in this charter provided, and without such warrants, he shall pay out no money except the principal and interest of bonds payable by the city when due.

(2) He shall maintain a modern system of accounting, which shall, at all times, show the balance in the various funds, or accounts of the City Government, as created by ordinance or otherwise.

(3) When warrants presented to the Treasurer have all the signatures thereon, as required by law, and are countersigned by the Controller, as elsewhere in this charter provided, it shall be prima facie evidence of the legality of such warrants, provided that the Treasurer may, in the event of the authenticity of any warrant being questioned, fully investigate and satisfy himself regarding the same before paying.

(4) He shall receive no money into the City Treasury, unless accompanied by a written authorization from the Controller for such deposit, as elsewhere in this charter provided.

(5) He shall issue receipts for such deposits in triplicate, one to be delivered to the person making the deposit, one to be delivered to the Controller at the close of each business day, and one to be filed in the records of the office of the Treasurer.

(6) He shall file with the Controller, at the end of each business day, a detailed statement, accompanied by vouchers, showing the receipts and disbursements credited or debited to each respective fund or account, and shall receive from the Controller a receipt therefor.

(7) He shall be the custodian of all securities bought by the City Government for the account of any fund, also the custodian of any unsold bonds of the city. In the event of the sale of any bonds by the city, as by law provided, he shall deliver the same, and receive from the purchaser the amount of money due from such sale, and credit the same to the proper fund or accounts, in the same manner as other deposits in his department, and report such action to the Council.

(8) He shall, at the end of each fiscal year, make a detailed statement of the receipts, disbursements and balances of his department, showing the business of the Treasury, as conducted under his management. Such statement shall be filed with the Mayor and Council.

Sec. 60. The Treasurer may, as he deems advisable, deposit the money under his supervision and control, in such

Treasurer.

institutions and upon such terms as the laws of the State of California may permit, and the evidence of such deposits shall be counted and considered the same as cash in the City Treasury.

Sec. 61. The Treasurer shall permit and assist any officer of the city, authorized by this charter to inspect the records and deposits in the office of the Treasurer to make such inspection.

Sec. 62. The Treasurer shall perform such duties as are imposed upon city treasurers by any law of the state applicable to the City of Los Angeles. He shall give a separate bond for the performance of such duties by himself and those employees of his office who assist therein, the premium on such bond to be paid by the city. The amount of such bond shall be fixed by ordinance from time to time.

OATHS, AFFIRMATIONS AND SUBPOENAS.

Oaths,
affirmations
and
subpoenas.

Sec. 63. (1) The Mayor, Controller, Treasurer, and each member of the Council, and of each board provided for in this charter, and the secretary of each such board, shall have the power to administer oaths and affirmations in any investigation or proceeding pending before any of said officers or bodies, or concerning any demand on the City Treasury, and the City Clerk shall have the power to administer all oaths and affirmations required by the charter.

(2) The Mayor, Controller, Treasurer, and City Council, and each board provided for in this charter shall have the power and authority to examine witnesses under oath and compel the attendance of witnesses and the production of evidence before them, respectively, as the case may be, by subpoena, to be issued in the name of said City of Los Angeles, and to be attested by the City Clerk of said city. The City Clerk shall, upon the demand of the Mayor, Controller, Treasurer, President of the City Council, or the presiding officer of any such board, issue such subpoena in the name of said city, and attest the same with the corporate seal thereof, and shall in such subpoena direct and require the attendance of the witness or witnesses sought to be subpoenaed before the Mayor, Controller, Treasurer, City Council or the respective boards requiring the issuance of said subpoenas at a time and place to be in said subpoenas specified.

(3) The Chief of Police shall cause all such subpoenas to be served by some member of the Police Department upon the person or persons required to attend as aforesaid.

(4) The Council shall, from time to time, adopt ordinances providing suitable penalties for disobedience of such subpoenas, and the refusal of witnesses to testify as herein provided.

REPORTS.

Reports.

Sec. 64. Every officer or board of the city government shall make and present to the Mayor and Council an annual report relating to their work, and such other reports as may be required by this charter or by the Council, by ordinance.

ARTICLE V.**SALARIES AND BONDS.**

Sec. 65. The following officers of the city shall receive, in ^{Salaries.} full compensation for all services of every kind whatever rendered by them, the following salaries, payable in monthly installments, or oftener, as the Council, by ordinance, may direct:

The Mayor shall receive \$10,000 per annum.

Each Councilman shall receive \$4,800 per annum.

The City Attorney shall receive \$10,000 per annum.

The Controller shall receive \$7,200 per annum.

All appointive officers of the city shall receive such salaries as may be in force at the time this charter takes effect, or as may thereafter be prescribed by ordinance, or otherwise in accordance with the provisions of this charter.

Sec. 66. The City Council shall, by ordinance, fix the salaries of all officers and employees provided for by this charter or by ordinance, whose salaries are not fixed, or otherwise provided for by this charter.

Sec. 67. No officer of the city shall be compensated by fees or commissions, but only by a fixed salary.

Sec. 68. No officer of the city shall retain any fee, recompense or compensation received by him for the discharge of any duty of his office from any person other than the city, but shall immediately pay over to the Treasurer of the city all such sums of money so received.

OFFICIAL BONDS.

Sec. 69. The Council shall by ordinance fix the amounts ^{Official} and terms of the official bonds of all officials of the city who ^{bonds.} are required by this charter or by ordinance, to give such bonds. All such bonds shall be approved by the City Attorney as to form, and shall be filed with and remain in the keeping of the Controller, provided that the bond of the Controller shall be filed with and remain in the keeping of the City Clerk. The premium on any official bond furnished under the provisions of this charter and executed by a corporate surety shall be paid by the city. The amounts and terms of the various bonds to the city as required immediately previous to the time this charter takes effect shall continue as the requirements applicable to said bonds until otherwise provided by ordinance. It shall be the duty of the Controller to make recommendations to the Council concerning any changes or action necessary in the city's interest in relation to any said bonds.

ARTICLE VI.

ORGANIZATION OF CERTAIN DEPARTMENTS.

Departments
of city
government.

Sec. 70. The following departments of the city government are hereby created:

Building and Safety,
City Planning,
Civil Service,
Fire,
Harbor,
Health,
Humane Treatment of Animals,
Library,
Municipal Art,
Parks,
Pensions,
Playground and Recreation,
Police,
Public Utilities and Transportation,
Social Service,
Water and Power.

Boards of
Managers.

Sec. 71. Said above named departments shall each be under the control and management of a board of five commissioners. Each said board shall be known as the Board of (insert name of department placed under its control and management) Commissioners, and the members of each such board shall be known as the commissioners of their department. Any such board may be referred to as a citizen board. An attendance fee of Five Dollars (\$5.00) per meeting attended, not exceeding Fifty Dollars (\$50.00) in any calendar month to any member, shall be paid to each member of any said boards.

Terms of
commiss-
ioners.

Sec. 72. The terms of the commissioners referred to in Section 71 shall be five years, except as otherwise provided in Sec. 73, beginning with the first day of July of the respective years. No person shall be appointed a commissioner who is not a qualified elector of the City of Los Angeles.

Appointment
and removal.

Sec. 73. The members of each of the boards referred to in Sec. 70 shall be appointed, and may be removed by the Mayor, subject in both appointment and removal to the approval of the Council by a majority vote, provided that the five members of each board first qualified under the provisions of this charter and their respective terms of office, shall be determined as follows: If the board for any department herein provided for is the successor of a similar board or commission for said department as provided for by the former charter or ordinances of the city in effect immediately prior to the taking effect of this charter, and if said prior board or commission consisted of five members, then four of said members shall be deemed members of the board provided for in this charter, with terms of office ranging from one to four years from said first day of July, 1925, as follows: Said five mem-

Ifoldover
members.

bers shall so classify themselves by lot that the term of office of one member shall be one year, of one member two years, of one member three years and of one member four years, from said first day of July, 1925, and the term of the fifth member shall be deemed to have expired on the date this charter takes effect, or when his successor is appointed and qualified.

The vacancy on said board of one five-year term shall be filled as in this charter provided for appointments to said board.

If said board or commission consisted of three members, then said three members shall be deemed members of the board provided for in this charter with terms of office ranging from one to three years, as follows: Said three members shall so classify themselves by lot that the term of office of one member shall be one year, of one member two years, and of one member three years from said first day of July, 1925. The vacancies on said board of an incomplete term of four years and of a full term of five years shall respectively be filled as in this charter provided for appointments to said board. Any appointment to fill an unexpired term on any board herein provided for shall be for the period of the unexpired term.

Sec. 74. As soon as practicable after the first day of July, 1925, each of the various boards referred to in Sec. 70 shall organize by electing one of its members President and one Vice-President, which officers shall hold office for one year and until their successors are elected, unless their membership on the board sooner expires. The election of each succeeding President and Vice-President shall be held at the meetings of the respective boards during the last week in July of each year. The board may fill for the unexpired term any vacancy occurring in the office of President or Vice-President. Each board shall hold a regular meeting at least twice a month. All meetings shall be in a public office of the board, with reasonable provision for attendance by the public.

Sec. 75. Each of the boards referred to in Sec. 70 shall appoint a secretary, not a member of the board, and a chief accounting employee, who may be the secretary. The secretary shall keep a record of the proceedings and transactions of the board, specifying therein the names of the commissioners at all meetings and giving the ayes and noes upon all votes. He shall post and publish all orders, resolutions and notices which the board shall order to be posted or published, and shall perform such other duties as are herein, or may be by order of the board, imposed on him.

Sec. 76. The powers conferred by this charter upon each of the boards shall be exercised by order or resolution adopted by a majority of its members and recorded in the minutes with the ayes and noes at length. Such action shall be attested by the signatures of the President or Vice-President, or two members of the board, and by the signature of the Secretary of the board.

"Head of a department."

Sec. 77. Whenever in this charter the words "head of a department" are used, it shall be understood to refer to the board of the department in the case of any department placed under the control and management of a board.

Powers of departments.

Sec. 78. The board of each department shall have power, (subject to the provisions of this charter and to such ordinances of the city as are not in conflict with the grants of power made to each such department of the city government elsewhere in this charter), to supervise, control, regulate and manage the department and to make and enforce all necessary and desirable rules and regulations therefor and for the exercise of the powers conferred upon the department by this charter. It shall have such additional powers and perform such other duties as may be granted or imposed elsewhere in this charter, or by ordinance not in conflict with the provisions of this charter. No grant of power by this charter to any department of the city government shall be construed to restrict the power of the Council to enact ordinances under the police power of the city, except as otherwise specifically provided in this charter.

Department general managers.

Sec. 79. The board of each department referred to in Sec. 70 shall appoint and shall have power to remove a general manager for the department who shall be the chief administrative officer of the department. Such general manager shall not be a member of the board nor shall he have been a member within one year prior to his appointment. His office shall have a title appropriate to the character of the work of the department. The board may issue instructions to the general manager of its department concerning his exercise of any of the powers conferred upon him by this charter. Failure on his part to comply with such instructions, or incompetency, dishonesty, discourtesy, or neglect of duty on his part, as determined by the board of his department, shall constitute adequate grounds for his removal by said board, provided that the person affected shall be given previous written notice of the grounds of the proposed removal and opportunity to be heard by the board.

Powers of department general managers.

Sec. 80. Subject to the provisions of this charter the rules of the department and the instruction of his board, said general manager shall have the power and duty:

(1) To administer the affairs of the department as its chief administrative officer;

(2) To appoint, discharge, suspend, or transfer the employees of the department, other than the secretary of the board and the chief accounting employee of the department, and to issue instructions to said employees, other than the secretary and the chief accounting employee, in the line of their duties, all subject to the Civil Service provisions of the charter;

(3) To expend the funds of the department in accordance with the provisions of the budget appropriations or of appropriations made subsequent to the budget;

(4) To recommend to the board of the department prior to the beginning of each fiscal year, an annual departmental budget covering the anticipated revenues and expenditures of the department, conforming so far as practicable to the forms and dates provided in this charter in relation to the general city budget;

(5) To certify all expenditures of the department to the chief accounting employec;

(6) To exercise such further powers in the administration of the department as may be conferred upon him by the board of his department.

Sec. 81. The general manager of each department at least Reports. once a month shall file with the board a written report on the work of the department.

Sec. 82. Any action by any of said departments named in Mode of exercising certain powers. Sec. 70 authorizing the acquisition or sale of real property, approving of contracts which obligate the city for a longer period of time than one year, or which involves values in excess of two thousand dollars (\$2,000.00) or which involves a rule of general application to be followed by the public, shall be taken by the board of commissioners of such department by order or resolution. Every order or resolution adopting a rule of general application to be followed by the public shall be published once in a daily newspaper and shall take effect upon such publication.

Sec. 83. The board of each department referred to in Departmental budgets and appropriations. Sec. 70, the finances of which are not included in the general budget, but which department itself has control of definite revenues or funds, as elsewhere in this charter set forth, shall, prior to the beginning of each fiscal year, adopt an annual departmental budget and make an annual departmental budget appropriation, covering the anticipated revenues and expenditures of said department. Such departmental budget shall conform, as far as practicable, to the forms and times provided in this charter for the general city budget. Each such budget shall contain a sum to be known as the "unappropriated balance", which sum shall be available for appropriation by the board later in the ensuing fiscal year to meet contingencies as they may arise. A copy of such budget, when adopted, and of every resolution subsequently adopted making appropriation from said unappropriated balance, shall promptly be filed with the Mayor and Controller, each. No expenditure shall be made or financial obligations incurred by any such department except as authorized by the annual departmental budget appropriation, or appropriations made subsequent to said annual budget.

Sec. 84. No money shall be drawn from any fund under Departmental warrants. the control of any department mentioned in Sec. 70, except upon warrants authenticated by the signature of the chief accounting employec of the department who shall be directly appointed by the board and shall be directly responsible to it in the discharge of his duties. The board shall file with the

Controller a notice giving the name and signature of the chief accounting employee authorized to sign its demands as aforesaid. The board by resolution may authorize a temporary substitution in the case of the absence or inability to act of the person whose signature is herein required. A copy of any such resolution of substitution shall be filed with the Controller.

Salary of
department
general
manager.

Sec. 85. The board of each department referred to in Sec. 70 and which department does not control its own funds, shall, with the signed approval of the Mayor, have power to fix, from time to time, the salary of the general manager of the department and the salary so fixed and approved by the board and approved by the Mayor, shall be the salary of said general manager and shall be included in any budget adopted for the expenditures of such department. In case the salary of said general manager is not fixed as provided in this section, it shall be fixed by the Council by ordinance, until fixed by the board and Mayor as herein provided.

Quarters,
equipment,
supplies,
employees.

Sec. 86. The board of each department referred to in Sec. 70 the finances of which are not included in the general budget, but which department itself has control of definite revenues or funds, as elsewhere in this charter set forth, shall provide suitable quarters, equipment and supplies for the department. It shall create the necessary positions in said department, authorize the necessary deputies, assistants and employees and fix their salaries and duties, and fix the salary of the general manager of the department and may require bonds of any or all such employees for the faithful performance of their duties.

Deputies.

Sec. 87. Wherever in this charter provision is made for the discharge of specific duties by a specific appointee, the appointing power of such appointee may designate an employee in the same department with full power to act in place of such appointee in case of his temporary absence or other inability to act.

Modifica-
tions.

Sec. 88. The provisions of this Article shall be subject to such modifications as may be specifically set forth in the sections of the charter dealing with the respective departments.

ARTICLE VII.

DEPARTMENT OF BUILDING AND SAFETY.

Department
of Building
and Safety.

Sec. 90. The Department of Building and Safety shall have the power and duty to enforce all ordinances and laws relating to the construction, alteration, repair, demolition or removal of buildings or structures in the city, and to the arrangement, alteration and repair, use and operation of all heating, plumbing, lighting, ventilating, refrigerating and electrical and mechanical appliances therein.

Alarm
Systems.

Sec. 91. The Department of Building and Safety shall have charge of the construction, operation and maintenance of the Police and Fire Alarm systems.

Superintend-
ent of
Building.

Sec. 92. The general manager of the Department of Building and Safety shall be known as the Superintendent of Building.

Sec. 93. The Board of Building and Safety Commissioners shall have the power to make slight modifications for individual cases in the provisions of the building ordinances of the city, provided that in each such modification the board shall first find that a special, individual reason makes the strict letter of the ordinance impractical and that the modification is in conformity with the spirit and purpose of the ordinance involved. Any such action shall be by resolution of the board, duly entered in its minutes. The power granted by this section to the Board of Building and Safety Commissioners may be restricted or abolished by ordinance.

Modification
of require-
ments.

ARTICLE VIII.

DEPARTMENT OF CITY PLANNING.

Sec. 94. The Department of City Planning shall have and exercise all the powers and duties which are now or may hereafter be granted to or imposed upon said department by state law, and such additional powers and duties as may be granted or imposed by ordinance for the regulation and control of the platting and subdivision of lands.

Department
of City
Planning.

Sec. 95. No ordinance shall be adopted by the Council, creating districts or zones for the purpose of regulating the use of lands, the height, bulk, location or use of buildings therein, and no ordinance changing, amending or altering any such ordinance shall be adopted until it shall have first been submitted to the Board of City Planning Commissioners for report and recommendation.

Zoning.

It shall be the duty of the Board of City Planning Commissioners, within thirty (30) days from the receipt of any such request to make and file its report thereon with the Council, and should said Board of City Planning Commissioners recommend against the approval of any such ordinance herein mentioned, the Council may adopt such ordinance only upon a two-thirds vote of the whole of said Council. Should the Board of City Planning Commissioners recommend the approval of any such ordinance, or fail to make any recommendation within the time mentioned herein, said Council may adopt such ordinance by a majority vote of the whole Council.

Sec. 96. All plans for the location of public buildings, public parks or public playgrounds shall be submitted to the City Planning Department for report and recommendation. Such report shall be advisory only. The department shall make reports and recommendations to the Council and to the various departments of the city government on all matters involving the location of such public improvements.

Public
buildings
and places.

Sec. 97. The Department of City Planning shall initiate studies and make reports and recommendations to the Council and the various departments of the city government on subjects related to the opening and widening of streets and other physical conditions, connected with the development and expansion of the city.

Streets.

Reports. Sec. 98. It shall each year render to the Mayor and Council a report of its activities during the year next preceding, and not less than five hundred (500) copies of such report shall be printed.

Appointment of members. Sec. 99. The first Board of City Planning Commissioners appointed under this charter shall be appointed by the Mayor and confirmed by the Council for one, two, three, four and five year terms respectively. Thereafter the members of said board shall be appointed as provided in Article VI of this charter. At least four of the five members appointed as first aforesaid shall have been members of the City Planning Commission immediately prior to this charter taking effect.

ARTICLE IX.

CIVIL SERVICE.

Civil Service. Sec. 100. The Board of Civil Service Commissioners shall establish classes for all offices and places of employment mentioned in Sec. 111 of this Article with reference to the examinations herein provided for. Each class shall include all positions sufficiently similar in respect to the duties and responsibilities therefor in which: (a) The same requirements as to education, experience, knowledge and ability are demanded of incumbents; (b) the same tests of fitness may be used in choosing qualified appointees; (c) the same schedule of compensation may be made to apply with equity.

The offices and places so classified by the Board shall constitute the classified civil service of said city; and no appointment to any such offices and places shall be made except under and according to the rules hereinafter mentioned.

The Board shall give appropriate titles to the positions so classified and the titles so given shall be used in all records and communications of the Board, the Controller and the Treasurer and in all reports and pay rolls providing for the payment of personal services.

Rules. Sec. 101. Said board shall from time to time make rules to carry out the purposes of this Article and for the examinations and appointments in accordance with its provisions.

Publication of rules. Sec. 102. All rules made as hereinbefore provided, and all changes therein, shall be printed for distribution by said board. By publication in the official paper, the board shall give notice of the place or places where said rules may be obtained, and in such publication shall be specified the date, not less than thirty days subsequent to the date of such publication, when said rules shall go into operation.

Examinations. Sec. 103. All applicants for office, places, or employments in said classified civil service shall be subject to examination, which shall be public, competitive and free to all citizens of the United States, with specified limitations as to residence, age, sex, health, habits, experience and moral character. Such examinations shall be practical in their character, and shall relate to those matters which will fairly test the relative capacity of the persons examined to discharge the duties of the

position to which they seek to be appointed, and, when appropriate, shall include, or exclusively consist of, test of physical qualifications, health and manual skill. No question in any examination shall relate to political or religious opinions or affiliations. The board shall control all examinations, and may, whenever an examination is to take place, obtain the assistance of a suitable person or number of persons to aid it in preparing for and conducting such examinations.

Sec. 104. In all original examinations, held pursuant to this charter, the Civil Service Board shall, in addition to all other credits, give a credit of ten per cent of the total credits specified for such examinations, to all soldiers, sailors or marines who have served in the United States Army, Navy, Marine Corps or in any division thereof, in time of war and are honorably discharged, or are honorably discharged from active service, although then on the reserve list, and also to the wife of any such honorably discharged soldier, sailor or marine who while engaged in such service in time of war was wounded or crippled and thereby prevented from engaging in any remunerative occupation, and also the widow of any soldier, sailor or marine killed in such service.

Ex-service
men and
women.

Sec. 105. Notice of time, place and general scope of every examination shall be given by the board by publication for two weeks preceding such examination in the official paper, and such notice shall also be posted by said board in a conspicuous place at the City Hall, and in its office, two weeks before such examination. Such further notice of examination shall be given as it may prescribe; provided, that for registration in the class of unskilled laborers medical or physical examinations may be made or held from day to day as applicants present themselves, and without previous notice.

Notice of
examinations.

Sec. 106. From the examinations made by the board it shall prepare a register, in each class of position, in the classified civil service, other than that of unskilled laborers employed by the day, of the persons whose general average standing upon examination for such class is not less than the minimum fixed by the rules of said board, and who are otherwise eligible, and such persons shall take rank upon the register as candidates in the order of their relative excellence, as determined by their examination without reference to priority of the date of examination.

Register of
eligible
candidates.

The board shall also keep a register upon which shall be entered, in the order of their application, the names of all who apply for employment in the class of unskilled laborers, and who, after such medical or physical examination as the board may prescribe, are found to be capable of performing in a satisfactory manner the duties of the occupation sought. In case any registered applicant in said class of unskilled laborers shall be employed, and subsequently laid off or dismissed through lack of work, or through no fault of his own, that fact shall be forthwith certified to the Board of Civil Service Commissioners by the head of the department in

Unskilled
laborers.

which such laborer was employed, and he shall be restored to his original place upon the register.

Promotions.

Sec. 107. The board shall by its rules provide for the promotion in such classified civil service on the basis of ascertained merit and seniority in service and examination, and shall provide in all cases where it is practicable that vacancies shall be filled by promotion. All examinations for promotion shall be competitive among such members of lower ranks as desire to submit themselves to such examination and who have such experience qualification or qualifications as may be required by the board as a prerequisite for taking such examination; and it shall be the duty of the board to submit to the appointing power for each promotion the names of not more than three applicants having the highest rating; but in fixing said rating an allowance of credits, to be stated at the time of the announcement of said examination, shall be made for past service. The method of examination, and the rules governing the same, and the method of certifying, shall be the same as provided for applicants for original appointment.

Employees injured in discharge of duty.

Sec. 108. Any civil service employee who is injured in the service of the city while actually engaged in the discharge of the duties of his position may, in the discretion of the Board of Civil Service Commissioners, be assigned to a position other than that for which he has been examined, and with or without examination. Said board, upon assigning such person so injured to such new position, shall place his name at the head of the eligible list, and he shall thereafter be first certified for such position. The Board of Civil Service Commissioners shall not place such person so injured as aforesaid at the head of any eligible list without carefully examining the facts of each case, and making its finding that such person is not incompetent, by reason of physical or other disability, to fill the same. Nothing in this provision shall be construed as compelling said board to take the action herein provided for unless the person injured is, in the judgment of said board, of good moral character and worthy of receiving the benefits hereof, and capable of performing the duties for which he is certified.

Employment of unskilled laborers.

Sec. 109. The head of a department in which a position in the class of unskilled laborers employed by the day is to be filled, shall notify said board of that fact, and said board shall thereupon certify to such officer or board the name and address of the applicant standing first in order on the register of unskilled laborers, and the applicant thus certified shall thereupon be employed by such officer or board.

The head of a department in which one or more positions, classified under this Article, except positions in the class of unskilled laborers, are to be filled, shall notify said board of that fact, and said board shall certify to such officer the name and address of one or more candidates, not exceeding three,

for each position to be filled, who stand highest on the register for the class to which said positions belong and said appointing officer or department shall fill such places from the names certified to him or it by said board therefor. Provided, however, that when two or more positions are to be filled at the same time said board shall not certify to such officer more than two names and addresses over and above the number of positions to be filled. In making such certifications, sex shall be disregarded, except when some statute, the rules of said board, or the appointing power specify sex. The candidate thus appointed shall be employed on probation for a period to be fixed by said rules, not exceeding six months. Each candidate, unless he shall be sooner appointed, or otherwise lawfully cease to be a candidate, shall be certified for appointment in the class for which he is eligible not less than three times, and no candidate shall lose his place on the register by certification or rejection, except that said board may strike off names of candidates from the register after they have remained thereon more than two years. At or before the expiration of the period of probation, the head of the department or office in which the candidate is employed may discharge him upon assigning in writing the reasons therefor to said board. If he is not thus discharged during the period of probation, his appointment shall be deemed complete. To prevent the stoppage of public business, or to meet extraordinary exigencies, the head of any department, or any officer or board may, under such regulations as the board may by its rules prescribe, make temporary appointments in the classified civil service, to remain in force not exceeding sixty days, and only until regular appointment, under the provisions of this Article, can be made.

Sec. 110. The board shall by its rules provide for; Leaves of absence, etc.
 (a) leaves of absence; (b) the transfer from one position to a similar position in the same class; (c) reinstatement to the list of eligibles, on recommendation of the head of the department, of persons who have become separated from the service or have been reduced in rank in the service, other than persons who have been removed for cause.

Sec. 111. The provisions of this Article shall apply to all Exempted positions.
 departments, divisions and offices of the city government, including therein all employees of the city, except that the following shall be exempt therefrom, to-wit:

- All officers elected by the people.
- All members of the several boards.
- The Secretary to the Mayor.
- The City Engineer and his chief deputy.
- The chief deputy of the Controller.

The City Superintendent of Schools and assistants and deputies, and all teachers and employees in the School Department.

The assistants, deputies, clerks and stenographers of the City Attorney.

The City Prosecutor, and his assistants, deputies, clerks and stenographers.

The first and second assistant librarians and the heads of the several departments in the Public Library.

The Chief Engineer of Waterworks, the Chief Electrical Engineer, the Auditor and Cashier of the Department of Water and Power.

The Chief Engineer of the Department of Public Utilities and Transportation.

The Traffic Manager, Port Warden and pilots of the Harbor Department.

The Harbor Engineer and Assistant Harbor Engineer.

The Inspector of Public Works.

The general managers of the following departments:

Building and Safety,
 City Planning,
 Harbor,
 Health,
 Humane Treatment of Animals,
 Library,
 Municipal Art,
 Parks,
 Pensions,
 Playground and Recreation,
 Public Utilities and Transportation,
 Water and Power.

All physicians appointed by the Health Board.

All officers of election.

The Police Surgeon and assistant police surgeons.

All employees of Advisory Borough Boards.

All employees of the Department of Trusts.

All employees of the Housing Commission.

Persons employed to render professional, scientific, technical or expert services of an exceptional character upon the requests of the head of the department in which such persons are to be employed, approved by resolution of the Council, and by the Board of Civil Service Commissioners.

Optional
 exemptions.

Any of the following persons may be exempted from the provisions of this Article, upon the request of the head of the department in which they are employed, by order of the Board of Civil Service Commissioners, approved by the Council by resolution, to-wit: (a) The first and second deputies in any department or either of such deputies, where not exempt as above provided; (b) unskilled laborers, including drivers; (c) persons employed on the construction of public works, improvements or buildings; (d) positions paying a salary of not exceeding Fifty Dollars (\$50.00) per month. Any exemption thus made may be terminated at any time by resolution of the Board of Civil Service Commissioners.

Sec. 112. (a) Any board or officer having the power of appointment of officers, members and employees in any department of the government of the city, shall have the power to remove, discharge or suspend any officer, member or employee of such department; but no person in the classified civil service of the city, other than an unskilled laborer employed by the day, shall be removed, discharged or suspended except for cause, which shall be stated in writing by the board or officer having the power to make such removal, discharge or suspension, and filed with the Board of Civil Service Commissioners, with certification that a copy of such statement has been served upon the person so removed, discharged or suspended, personally, or by leaving a copy thereof at his last known place of residence if he can not be found. Upon such filing such removal, discharge or suspension shall take effect. Within fifteen days after such statement shall have been filed, the said board, upon its own motion, may, or upon written application of the person so removed, discharged or suspended, filed with said board within five days after service upon him of such statement, shall proceed to investigate the grounds for such removal, discharge or suspension. If after such investigation said board finds, in writing, that the grounds stated for such removal, discharge or suspension were insufficient or were not sustained, and also finds in writing that the person removed, discharged or suspended is a fit and suitable person to fill the position from which he was removed, discharged or suspended, said board shall order said person so removed, discharged or suspended, to be reinstated or restored to duty. The order of said board with respect to such removal, discharge or suspension, shall be forthwith certified to the appointing board or officer, and shall be final and conclusive; provided, that the order of any appointing board or officer suspending any person because of lack of funds in such department shall be final, and shall not be subject to review by said Board of Civil Service Commissioners. If the Board of Civil Service Commissioners shall order that any person removed, discharged or suspended under the provisions of this section be reinstated or restored as above provided, the person so removed, discharged or suspended shall be entitled to receive compensation from the city the same as if he had not been removed, discharged or suspended by the appointing board or officer.

Removal.
Discharge.
Suspension.

Reinstatement.

(b) The provisions of this section shall not apply to the removal, discharge or suspension of officers, members and employees in the Police Department, in the Fire Department, and in the Library Department; but the officers, members and employees in said departments, respectively, shall be subject to removal, discharge and suspension as provided elsewhere in this charter.

Exceptions.

Sec. 113. Immediate notice in writing shall be given by the appointing powers, to said board, of all appointments, permanent or temporary, made in such classified civil service,

Record of changes in service.

and of all transfers, promotions, resignations, or vacancies from any cause in such service, and of the date thereof, and a record of the same shall be kept by said board. When any office or place of employment is created or abolished, or the compensation attached thereto altered, the officer or board making such change shall immediately report in writing to said board.

Investigations.

Sec. 114. The board shall investigate the enforcement of this Article and its rules, and the conduct and action of the appointees in the classified civil service in this city.

All officers of said city shall aid the board in all proper ways in carrying out the provisions of this Article.

Service records.

Sec. 115. The board shall by its rules provide for the establishment of and govern the keeping of service records of all employees in the classified civil service. Said service records may be used as one of the bases for: (a) Promotion as provided in Sec. 107 of this Article; (b) lay-offs, through stoppage or lack of work, as may be provided by the rules of the board.

Oaths.

Sec. 116. The Secretary and any other employee or agent authorized by the board by order entered in the minutes, shall have the power to administer oaths in matters pertaining to the work of the board.

Perjury.

Sec. 117. Any false statement wilfully made under oath either in any application or other paper filed with the board or in any proceeding before the board or in any investigation conducted by or under the jurisdiction of the board, or in any proceeding arising under this Article shall be punishable as a misdemeanor.

Offenses concerning examinations.

Sec. 118. Any officer or other person who shall wilfully or corruptly, by himself or in co-operation with one or more other persons, defeat, deceive or obstruct any person in respect to his or her right of examination, or corruptly or falsely mark, grade, estimate, or report upon the examination or proper standing of any person examined hereunder, or aid in so doing, or wilfully or corruptly 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 or to be examined, of being employed, appointed or promoted, shall be guilty of a misdemeanor and punishable therefor.

Payment for appointments, etc.

Sec. 119. No applicant for appointment in said classified civil service, either directly or indirectly, shall pay or promise to pay any money or other valuable thing to any person whatever for or on account of his appointment, or proposed appointment, and no other officer or employee shall pay, or promise to pay, either directly or indirectly, any money or other valuable thing whatever, for or on account of his promotion. The commission of any act prohibited by this section shall be a misdemeanor and punishable as such.

Sec. 120. The Controller shall not approve any salary or compensation for services to any person holding or performing the duties of a position in the classified civil service, unless the pay roll or account for such salary or compensation for services shall bear the certificate of the board that the persons named therein have been appointed or employed in accordance with the provisions of this Article and of the rules established thereunder, and the board shall not approve the salary or compensation for services of any person appointed or employed in violation of the provisions of this Article or of the rules established thereunder.

No pay unless certified.

Sec. 121. All officers and employees who, at the time of taking effect of this Article, would be included in the classified civil service, and who shall have been continuously in the service of the city for a period of six months prior to the adoption of this Article, shall be deemed to have the necessary qualifications required by the provisions hereof, and shall retain their respective positions until removed for cause, as provided herein. All officers and employees who, at the time of the taking effect of this Article, would be included in the classified civil service but who have been in the service of the city for a period of less than six months, shall, during the period of six months from and after the taking effect of this Article, be deemed to be serving under probation and be subject to the same regulations as other candidates serving under probation, as hereinbefore provided in this Article.

Employees when article effective.

Sec. 122. All officers and employees of a municipality which may hereafter be annexed to the city, who would be included in the classified civil service, and who shall have been continuously in the service of the annexed municipality for a period of six months immediately preceding such annexation, shall be deemed to have the necessary qualifications required by the provisions hereof, and shall retain their respective positions until removal for cause, as provided herein, or the abolition of the position. All officers and employees who, at the time of such annexation, would be included in the classified civil service, but who have been in the service of the annexed municipality for a period of less than six months immediately prior to such annexation, shall, during the period of six months from and after such annexation, be deemed to be serving under probation and be subject to the same regulations as other candidates serving under probation, as hereinbefore provided in this Article.

Employees of annexed municipality.

Sec. 123. (1) The Council and every other authority authorized to fix salaries or wages shall each appoint a representative of its body, all of whom, with the Director of the Bureau of Budget and Efficiency, shall constitute the Salary Standardization Committee. Said Committee shall grade, and from time to time re-grade the salaries of all classes of employees embraced in the classified civil service in all the offices and departments of the city government, to the end that like salaries shall be paid for like duties.

Salary standardization committee.

(2) The Committee shall recommend to the Council and to said other authorities for each class such salary or wage as it considers necessary and proper for each class of positions as classified by the Board of Civil Service Commissioners in accordance with Sec. 100 of this charter.

Violations. Sec. 124. Any person holding a position in the classified civil service of the city who wilfully violates any of the provisions of this Article, shall, after hearing, by the board, be subject to reprimand by the Board of Civil Service Commissioners, with the right in said board to recommend to the appointing power of such person to suspend or discharge said person.

ARTICLE X.

DEPARTMENT OF FIRE.

Fire department. Sec. 130. The Fire Department shall have the power and duty to control and extinguish injurious or dangerous fires, and to remove the causes of such fires within the City of Los Angeles, including the water front of the City and the waters under the jurisdiction of the city and vessels or structure thereon.

Authority of officers. Sec. 131. The officers of the Fire Department in charge at the scene of any fire shall have full power and authority to direct the operation of extinguishing the same and to take the necessary precautions to prevent the spread thereof. In the course of such operations they may prohibit approach to such fire by any person, vehicle, vessel or thing and may remove or cause to be removed and kept away from such fire any vehicle, vessel or thing and all persons not actually and usefully employed, in the judgment of said officers, in the extinguishing of such fire or the preservation of property in the vicinity thereof.

Interference or disobedience. Sec. 132. Any person who shall in any way obstruct the operations of said Fire Department in connection with any such fire, or who shall disobey any lawful command of the officers of said Fire Department in charge at the scene of such fire, or of the police in cooperating with them, shall be deemed guilty of a misdemeanor.

Vessels. Sec. 133. Nothing in this section contained shall be construed to limit the authority of the master or officers of any vessel on fire or in danger from fire, subject to the general authority granted herein of the Fire Department to control the operations in protection of the public interest.

Chief Engineer. Sec. 134. The chief administrative officer of the Fire Department shall be known as the Chief Engineer of the Fire Department.

Suspensions and removals by Chief. Sec. 135. The Chief Engineer of the Fire Department shall have the power to suspend or remove any officer or employee in the Fire Department; but no such suspension or removal shall be made except for cause, which shall be stated in writing and filed with the Board of Fire Commissioners, with certification that a copy of such statement

has been served upon the person so suspended or removed personally, or by leaving a copy thereof at his last known place or residence if he can not be found. Upon such filing the suspension or removal shall take effect. Within fifteen (15) days after such statement shall have been filed, the said board, upon its own motion, may, or upon written application of the person so suspended or removed, filed with said board within five days after service upon him of such statement as above provided, shall proceed to investigate the grounds for such suspension or removal. If, in the case of a removal, the said board, after such investigation, shall find in writing that the grounds stated were insufficient, or were not sustained, and also finds in writing that the person removed is a fit and suitable person to fill the position from which he was removed, the said board shall reinstate him in such position; and if, in the case of a suspension, the board, after such investigation, shall find in writing that the grounds stated were insufficient, or were not sustained, the said board shall restore the person so suspended to duty. The order of said board with respect to such suspension or removal shall be final and conclusive. Any person restored to duty or reinstated in his position after suspension or removal, as provided in this section, shall be entitled to receive compensation from the city the same as if such suspension or removal had not been made.

Sec. 136. The position in the first Board of Fire Commissioners organized under this charter held by the Mayor of the previous administration as provided in Sec. 73 of this charter, shall immediately become vacant upon the appointment and qualification of a successor to such position, who shall serve for the unexpired term of the position held by said Mayor. Said successor shall be appointed by the Mayor and confirmed by the Council, within sixty days after this charter is in full force and effect.

Board of
Fire Com-
missioners.

ARTICLE XI.

HARBOR DEPARTMENT.

Sec. 138. The Board of Harbor Commissioners shall have possession and control, under the provisions of this charter, of the entire waterfront of the City of Los Angeles, of all navigable waters and all tide lands and submerged lands, whether filled or unfilled, situated below the line of mean high tide, within the limits of the City of Los Angeles, northerly and easterly of the government breakwater at Los Angeles Harbor, and the provisions of this Article shall be deemed to, and shall apply and appertain to such navigable waters and such tide and submerged lands. Whenever the Council, of its own motion, or upon the recommendation and suggestion of the Board of Harbor Commissioners, shall find and determine that the needs and requirements of commerce, navigation or fishery demand that other territory, in addition to that placed by this charter under the control, supervision and management of the Harbor Department, be added thereto, the Council shall have power to place such territory, by ordinance,

Jurisdiction
of Harbor
Commis-
sioners

under the control, supervision and management of the Board of Harbor Commissioners. The lands and waters under the control, supervision and management of the Board of Harbor Commissioners shall be known as the Harbor District.

Powers
and duties
of Harbor
Commis-
sioners.

Sec. 139. The Board of Harbor Commissioners shall have power and it shall be its duty:

(a) To make and enforce all necessary rules and regulations governing the use and control of all navigable waters and all tide lands, and submerged lands, whether filled or unfilled, within the Harbor District, and may prescribe and enforce penalties for the violation of such rules and regulations;

(b) To regulate and control the anchoring, mooring, towing and docking of all vessels and water craft;

(c) To regulate and control the construction, maintenance, operation or use of any railroad, wharf, warehouse, or other utility, structure, improvement or appliance used in connection with, or for the accommodation and promotion of commerce, navigation or fishery in the Harbor District;

(d) To regulate and control all dredging or excavating in the Harbor District;

(e) To fix, regulate and collect rates or charges for the use of all wharves, warehouses, water craft, railroads, and other facilities, utilities, structures and appliances, owned, controlled or operated by the city in connection with, or for the promotion and accommodation of commerce, navigation and fishery; and the rates or charges for pilotage and towage;

(f) To regulate and control all public service and public utilities operated in connection with, or for the promotion and accommodation of commerce, navigation or fishery in the Harbor District; to fix the proper license fees to be paid to the city by any person, firm or corporation operating any such public service or utility; and to fix and regulate the rates or tolls to be charged or collected for services furnished by any such public service or utility. The board shall have the right, at all reasonable times, to have access to, and, in person, or by its duly authorized representatives, to examine the books, papers, maps and records showing the affairs, transactions, property and financial condition of such persons, firms or corporations, and to require reports respecting said matters from such persons, firms or corporations at such times and in such form as the board may prescribe. The amounts of the license fees to be paid to the city by any such person, firm or corporation operating any such public service or utility, and the rates or tolls to be charged and collected for services furnished or supplied by such public service or utility shall be fixed by the board by order, subject to approval, change or modification by the Council by ordinance, at such times and by such method of procedure as the Council may by ordinance prescribe;

(g) To acquire, erect, maintain or operate all such improvements, utilities, water craft, appliances or facilities as it

may deem necessary or convenient for the promotion and accommodation of commerce, navigation and fishery, or for use in connection therewith, or upon the lands and waters under the control and management of said board.

(h) The powers conferred in this section upon the Board of Harbor Commissioners relating to the making and enforcement of rules and regulations of general application, and to the fixing, regulating and collecting of rates, tolls and charges to be collected by the city, shall be exercised by order of the board adopted by a majority of its members. Every such order must be approved by the Council by ordinance before the same shall become effective; provided, however, that in cases of emergency the board shall have power to suspend, modify or amend any such rule or regulation, or to place in effect any emergency rule or regulation, for periods not exceeding thirty days, and every such ordinance shall so provide. Every such ordinance shall prescribe penalties for the violation of the provisions of such order, and any person, firm, or corporation who shall violate the provisions of any such order shall be guilty of a misdemeanor and shall be punishable by imprisonment in the city jail for a period not exceeding six months, or by a fine not exceeding five hundred dollars, or by both such fine and imprisonment, as may be prescribed in such ordinance. Orders.

Sec. 140. (a) All tide lands and submerged lands within the limits of the city, as the same now or may hereafter exist, whether filled or unfilled, are hereby declared to be required for use for purposes in connection with, or for the promotion and accommodation of commerce, navigation and fishery, and shall, except as hereinafter provided, continue to be withheld for such purposes. It shall be unlawful to grant, sell, convey, alienate, transfer, or otherwise dispose of, except as herein provided, any part of, or any interest in, the water front, tide lands, submerged lands, or appurtenances thereunto belonging, owned, controlled, possessed, 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 of America for public purposes, when authorized by a majority vote of the qualified voters of the city voting upon the question of authorizing any such grant at an election. Tide and submerged lands and water front.

(b) Of the water frontage of Los Angeles Harbor not less than ten thousand feet thereof, linear measurement, measured along the United States Harbor lines, together with the necessary co-terminus and adjacent tide lands and submerged lands, as may be determined by the board, and approved by the Council by ordinance, owned or controlled by the City of Los Angeles, are hereby forever reserved for public use to be improved, controlled, maintained and operated by the city. Reserved for public use.

(c) The Board of Harbor Commissioners, as hereinafter provided, shall have power to grant to any person, firm or corporation franchises and permits to use the water frontage, in excess of said ten thousand feet or more as aforesaid, for Franchises and permits.

purposes in connection with, or for the promotion and accommodation of commerce, navigation and fishery, together with the necessary co-terminus and adjacent tide or submerged lands, for periods not exceeding thirty years.

Leases.

(d) Whenever it shall be determined by the board by order, approved by the Council by ordinance, that certain parts of such tide or submerged lands therein described may not be required at such time for use for purposes in connection with, or for the promotion and accommodation of commerce, navigation and fishery, the Board of Harbor Commissioners shall have power to grant leases of such tide or submerged lands, in excess of said ten thousand feet reserved by the city, for periods not exceeding thirty years, for any and all purposes which shall not interfere with commerce or navigation, and are not inconsistent with the trusts upon which said lands are held by the City of Los Angeles.

Conditions of grants.

(e) All such franchises, permits and leases shall be granted subject to such terms and conditions and such rental or compensation as may be prescribed therein and to the limitations, conditions, restrictions and reservations in this charter contained. Every such grant for a definite period of time shall be made by order. Every order making any such grant for a period of five years or less shall be published once in the same manner as ordinances of said city, and shall take effect upon such publication. Every order making any such grant for a period of more than five years shall, before the same shall become effective, be submitted to the Council for its approval or disapproval. Action must be taken thereon by the Council within thirty days after such order shall have been submitted to it. If the Council shall approve the same such order shall thereupon be published once in the same manner as ordinances of said city; or, if the Council shall fail to disapprove any such order within said thirty days, such order shall thereupon be published once in the same manner as ordinances of said city. Every such order, when published, shall, before the same becomes effective, be subject to the referendum provisions of this charter relating to ordinances.

Every such grant shall provide for a readjustment of the rental or compensation every ten years during the term thereby created, upon such procedure as shall be specified in such grant.

Three thousand feet limit.

(f) No such grant shall ever be made to any one person, firm or corporation to use any such water frontage whatever in excess of three thousand feet, linear measurement, measured along United States harbor lines; 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 a majority of the qualified voters of the city voting upon the question of authorizing any such grant at an election.

Construction.

(g) Every such grant shall be made only upon the condition, whether expressed therein or not, that the construction of

the works, structures or improvements, provided for therein, shall, if the same be not already constructed or made, be commenced within ninety days of the date of such grant, and be prosecuted diligently to completion upon such further terms and conditions as may be prescribed therein.

(h) Every such grant shall provide that in case the same or any improvement made thereunder, or any part thereof, shall be assigned, transferred or subleased, and 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 grant from the city, more than the length of water frontage permitted or authorized under this charter, then such grant, and all rights thereunder, shall thereupon and thereby be absolutely terminated. No assignment, transfer, sublease, gift or grant of control shall be valid for any purpose unless first approved by the Board of Harbor Commissioners.

Three thousand feet exceeded.

Approvals.

(i) Every such grant shall be subject to such rights of way over the lands embraced therein for such sewers, pipe lines, conduits, and for such telephone, telegraph, light, heat or power lines as may from time to time be determined by the Board of Harbor Commissioners, and the same shall be subject to such rights of way for such streets and other highways and for such railroads and other 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 the promotion and accommodation of commerce, navigation or fishery, or for providing railroad or other terminal facilities.

Rights of way.

Conflict with city plans.

(j) 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 the 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.

Upon expiration of grants.

(k) The Board of Harbor Commissioners shall have power to declare a forfeiture of any such grant upon the neglect, failure or refusal by the grantee thereof to comply with any of the terms or conditions thereof. Upon any such forfeiture, 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.

Forfeiture of grants.

Pier
Number
One
reserved.

(1) That the certain tract in the outer harbor designated as Pier Number One, and formerly known as the Huntington concession, and all wharves and other improvements thereon or pertaining thereto now or hereafter 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, however, that revocable permits, berth assignments and assignments of space in warehouses may be granted covering the use of said tract and improvements thereon in the manner elsewhere in this charter prescribed; and provided further that any municipal railroad tracks upon said property may be leased or operated as elsewhere in this charter prescribed.

General
manager:
powers and
duties.

Sec. 141. The general manager of the Harbor Department, in addition to the powers and duties which are or may be conferred upon him as elsewhere provided in this charter, shall have power, and it shall be his duty:

(1) To enforce all orders, rules and regulations adopted by the board relating to regulation, operation or control;

(2) To supervise and manage all construction and maintenance work authorized or ordered by the board, and to that end the board shall have power to delegate to him such necessary powers and duties as are by this charter conferred upon said board;

(3) To designate and assign berths or landings for the use of vessels at any wharf or like facility controlled or operated by the city, including the ten thousand feet of frontage reserved by the city for public purposes, at the duly established rates or charges for the use of such municipal wharves and like facilities, and subject to the rules and regulations governing the same. Every such berthing assignment shall reserve to the city the right to use such wharf or other facility for general wharf or other purposes when such space is not required for the use of the grantee or holder;

(4) To designate and assign space in any warehouse, elevator, or like facility operated by the city, including those located on the ten thousand feet of frontage reserved by the city for public purposes, at the duly established rates or charges for the use of such municipal facilities, and subject to the rules and regulations governing the same.

(5) Every such assignment of a berth or of space in any warehouse, elevator or like facility operated by the city shall be revocable by the general manager, without compensation to the grantee or holder thereof, upon due notice to be stated therein, such notice in no case to exceed one year.

(6) Whenever it shall be determined by the board, by order, that certain parts of the tide or submerged lands therein described in the Harbor District may not be required at such time for use for purposes in connection with, or for the promotion and accommodation of commerce, navigation or fishery, the general manager shall have power, subject to approval of the board, to grant revocable permits to use limited portions of such tide or submerged lands for any and all purposes which shall not interfere with commerce or navigation, and are not inconsistent with the trusts upon which said lands are held by the City of Los Angeles. Every such revocable permit shall prescribe that it shall be revocable, without compensation to the grantee or holder thereof, upon due notice to be stated therein, such notice in no case to exceed one year.

(7) Every such assignment or revocable permit shall be issued on printed forms, which shall set forth the terms and conditions thereof.

Sec. 142. Grants of franchises, permits, leases, revocable permits, and assignments provided for in this Article shall be made only upon written application therefor, which shall set forth such information as the board may require, and shall be accompanied by a fee, to be prescribed by the board, sufficient to cover the expense of making any such grant. In every case where an application is filed for a franchise, permit or lease for a definite, fixed term, at least ten days must elapse after the date of filing such application before the board shall have power to grant such franchise, permit or lease.

Applications
for grants

Sec. 143. (a) No wharf, dock, pier, mole or transit shed owned or controlled by the city shall ever be leased to any person, firm or corporation for any definite period of time, but the board shall have power, with the approval of the Council by ordinance, to contract for the operation of any warehouse, elevator or like facility owned or controlled by the city for periods not exceeding five years, upon such terms and conditions as it may prescribe.

Terms of
leases

(b) The board shall have power to contract for or permit the operation of trains and cars upon the municipal terminal railroad of the city upon such terms and conditions as it may prescribe. In order to provide for the unified operation and control of railroad facilities in the Harbor District, both municipal and private, the board shall have power:

Railroad
facilities

(1) To lease all necessary privately owned railroads, tracks, facilities and adjuncts and to operate, or provide for the operation of, the same in conjunction with the municipal terminal railroad; or

(2) To lease the municipal terminal railroad to an association or company for the purpose of operating the same together with all other privately owned railroads, tracks, facilities and adjuncts in the Harbor district necessary to provide unified operation and control of all such facilities; provided that any such lease must first be approved by a majority vote of the electors of the city voting thereon before the same shall become effective.

Expenditures

Sec. 144. The Board of Harbor Commissioners shall have power to order and contract for the expenditure of all money derived from the sale of harbor improvement bonds of the city, and of all money in the Harbor Revenue Fund. Whenever the board shall have approved and authorized any work or improvement, and shall have appropriated the necessary money therefor, the general manager shall have power to let any necessary contract in connection with such work or improvement, but all such contracts involving an expenditure of more than five thousand dollars shall first be approved by the board. In cases of emergency where the circumstances of the case render it impossible to secure bids for the furnishing of labor or materials without undue delay or loss to the city, the general manager may, with the approval of the board, let such contract without advertising for bids.

Contracts.

Harbor Revenue Fund.

Sec. 145. All money received or collected from or arising out of the use or operation of any harbor or port improvement, work, appliance, facility or utility, or water craft, owned, controlled or operated by the City of Los Angeles in or upon or pertaining to the water front or navigable waters of said city; all tolls, charges and rentals collected by the Harbor Department, and all compensations or fees required to be paid for franchises or licenses, or otherwise by law or ordinance or order, to the city for the operation of any public service utility upon lands and waters under the control and management of the Harbor Department, shall be deposited in the City Treasury to the credit of a fund to be known as the Harbor Revenue Fund, and shall be kept separate and apart from other moneys of the city. None of the money in or belonging to the Harbor Revenue Fund shall be appropriated or used for any purpose except the following purposes:

Use of fund.

- (1) For the necessary expenses of conducting the Harbor Department, including the operation and maintenance of all harbor or port improvements, works, utilities, appliances, facilities and water craft, owned, controlled or operated by the city for the promotion and accommodation of commerce, navigation and fishery, or used in connection therewith;
- (2) For the acquisition, construction, completion and maintenance of harbor and port improvements, works, utilities, appliances, facilities, and water craft, for the promotion and accommodation of commerce, navigation and fishery, or used in connection therewith; and for extraordinary improvements and betterments to lands and property under the control, supervision and management of the department, including the purchase or condemnation of necessary lands and other property and property rights;
- (3) For the payment of the principal, or interest, or both, of harbor improvement bonds;
- (4) To return and pay into the general fund of the city, from any surplus money in said Harbor Revenue Fund, any sums paid by the city from funds raised by taxation for the

payment of the principal or interest of any municipal bonds issued by the city for or on account of the harbor improvement works to which such revenue fund pertains.

ARTICLE XII.

DEPARTMENT OF HEALTH.

Sec. 150. The Health Department shall have the power and duty to supervise and control, under such ordinances as may from time to time be adopted by the city, and under the laws of the state and nation applicable within the city, the sanitary conditions and the general health of the city, and all matters pertaining thereto, including the sanitary condition of all schools, jails, hospitals and other public buildings, and all health establishments or institutions of whatever kind, whether public or private; and to enforce all ordinances and laws relating to public health and all rules and regulations of the department, and may call upon any police officer or officers at any time to assist in the enforcement thereof.

Health
depart-
ment.

Sec. 151. The chief administrative officer of the Health Department shall be called the Health Officer of the city. He shall be a graduate of a reputable college of medicine and shall have had at least three years experience in the administration of public health work.

Health
Officer.

Sec. 152. The Health Officer and all regularly appointed officers and employees of the Health Department shall have the right and power to arrest any person or persons who may violate any of the ordinances of the city pertaining to sanitation and health, and any of the rules and regulations of the department. It shall also be the duty of any police officer or policeman to arrest any person guilty of such violation.

Arrests.

Sec. 153. Any rules or regulations of the department for the control of communicable diseases shall be the same as those adopted by the State Board of Health for the same diseases.

Communi-
cable
diseases.

ARTICLE XIII.

DEPARTMENT OF HUMANE TREATMENT OF ANIMALS.

Sec. 155. The Humane Treatment of Animals Department shall have the power and duty:

Humane
Treatment
of Animals
Department.

(1) To enforce all ordinances of the City of Los Angeles and the penal laws of the State relating to the care, treatment or impounding of dumb animals or for the prevention of cruelty to the same.

(2) To provide and maintain a public pound wherein animals may be impounded.

(3) To enforce the ordinances of the city requiring the payment of money for licenses for dogs within the city.

ARTICLE XIV.

DEPARTMENT OF LIBRARY.

Library
Department.

Sec. 157. The Library Department shall have the power and duty:

(1) To manage and control the libraries, branch libraries and reading rooms of the City of Los Angeles;

(2) To establish, maintain and operate a central library, branch libraries and reading rooms within or without the city, and to acquire and take by purchase, lease, condemnation, gift, in trust, or otherwise, and to hold for the city, any and all property necessary or convenient for such purposes.

Library
Fund.

Sec. 158. For the financial support of the Library Department there is hereby appropriated an annual sum of not less than seven cents (7c) on each one hundred dollars (\$100.00) of assessed value of all real and personal property of the city as assessed for city taxes. Additional appropriations may be made from the general city funds. All money arising from either class of appropriations above referred to, or received by the Library Department from fines, sales, gifts or otherwise in connection with the operation of the Library, shall be placed to the Credit of the Library Department in a fund to be known as the Library Fund. No money in the Library Fund shall be used for any purpose other than the financial support of the Library Department.

Expendi-
tures.

Sec. 159. The Board of Library Commissioners shall have power to control and order, in the manner in this charter provided, the expenditures of all money coming into the Library Fund or from the sale of bonds authorized by the city for financing the work of the Library Department, and to appropriate and expend the same for the purposes of the department, in accordance with the provisions of this charter. Said board may invest any surplus funds under its control in bonds or other evidences of indebtedness of the United States, the State of California, or of any political subdivision thereof, and the income derived therefrom shall be deposited in the City Treasury to the credit of the Library Fund.

Surplus
funds.

Librarian.

Sec. 160. The general manager of the Library Department shall be known as the City Librarian.

Suspensions
and
removals.

Sec. 161. The City Librarian shall have power to suspend or remove any officer or employee in the Library Department; but no such suspension or removal shall be made except for cause, which shall be stated in writing and filed with said Board of Library Commissioners, with certification that a copy of such statement has been served upon the person so suspended or removed personally, or by leaving a copy thereof at his last known place of residence if he can not be found. Upon such filing, such suspension or removal shall take effect. Within fifteen days after such statement shall have been filed, the said board, upon its own motion may, or upon written application of the person so suspended or removed, filed with said board within five days after service upon him of such statement as above

provided, shall proceed to investigate the grounds for such suspension or removal. If, in the case of a removal, the board, after such investigation, shall find in writing that the grounds stated were insufficient, or were not sustained, and also finds in writing that the person removed is a fit and suitable person to fill the position from which he was removed, the board shall reinstate him in such position; and if, in the case of a suspension, the board, after such investigation, shall find in writing that the grounds stated were insufficient, or were not sustained, the board shall restore the person so suspended to duty. The order of said board with respect to such suspension or removal shall be final and conclusive. Any person restored to duty or reinstated in his position after suspension or removal, as provided in this section, shall be entitled to receive compensation from the city the same as if such suspension or removal had not been made.

Sec. 162. No real property shall be acquired by the city for library sites unless such sites are first approved by the Board of Library Commissioners. Said board shall have full control over all library sites and no such sites shall be devoted to any other purpose in whole or in part without permission from said board. Real property.

ARTICLE XV.

DEPARTMENT OF MUNICIPAL ART.

Sec. 165. Hereafter no work of art shall become the property of the City of Los Angeles by purchase, gift or otherwise, unless such work of art or the design of the same, together with a statement of the proposed location of such work of art, shall first have been submitted to and approved by the Board of Municipal Art Commissioners by a majority vote thereof; nor shall any work of art, until so approved, be erected or placed in or upon, or allowed to extend over or upon any municipal building, street, avenue, park or other public place or ground belonging to or under the control of the City of Los Angeles. The said board may, when it deems proper, also require a complete model of the proposed work of art to be submitted to such board. The term "work of art" as used in this Article shall apply to and include all paintings, mural decorations, inscriptions, stained glass, statues, bas-reliefs and other sculptures, monuments, fountains, arches, gates, and other structures of a permanent character intended for ornament or commemoration. No existing work of art belonging to or in the possession of the city shall be removed, relocated or altered in any way without the like approval of the board. The design of no public building, bridge, approach, fence, retaining wall, lamp, lamp post, or other similar structure proposed to be erected by or under the authority of the city upon any land or in any place belonging to or under the control of the city shall be adopted by any board or officer having charge, superintendence or control of the design or construction thereof, unless such design shall have been first submitted to and approved by the Board of Municipal Municipal Art Commissioners.

Art Commissioners by a majority vote thereof. No arch, bridge, structure or approach belonging to any private individual or corporation shall be permitted to extend over, into or upon any street, avenue, highway, park or other public place belonging to or under the control of the City of Los Angeles, unless the design and location thereof shall have first been approved by the said board as hereinbefore provided.

Time
allowed
for
decisions.

Sec. 166. If the said board shall fail to decide upon any matter submitted to it within fifteen days after such submission, its decision shall be deemed unnecessary; provided, however, that the time for such decision may be extended by the Council by resolution.

In the event that the immediate removal or relocation of any existing work of art owned or controlled by the city is deemed necessary by the board or officer of the city having the charge or custody thereof, the Board of Municipal Art Commissioners shall within two days after notice in writing from such board or officer, approve or disapprove such removal or relocation, and in case said Board of Municipal Art Commissioners shall fail to so act within two days after the receipt of such notice, it shall be deemed to have approved of the same.

Sec. 167. There may be expended for art productions, to be selected by the Board of Municipal Art Commissioners and placed in public buildings, grounds or parks of the city, such amount as may be included in the annual budget for that purpose. The word "productions" shall be held to include, among other works of art, mural paintings or decorations which artists may be employed to put on the walls of public buildings, mosaic and stained or painted glass.

Manager.
Secretary.

Sec. 168. The Board of Municipal Art Commissioners may, in its discretion, consolidate the office of manager of the department with the office of secretary of the board.

First
board.

Sec. 169. The first Board of Municipal Art Commissioners appointed under this charter, shall be appointed from the five citizen members of the Municipal Art Commission as said Commission existed immediately prior to this charter taking effect, omitting therefrom the ex-officio members of said Commission.

ARTICLE XVI.

DEPARTMENT OF PARKS.

Parks, de-
partment of.

Sec. 172. The Department of Parks shall have the power and duty:

(1) To manage and control the parks owned or operated by the City of Los Angeles;

(2) To establish, maintain and operate parks, with structures therein appropriate to park purposes, within or without the city limits, and to acquire and take by purchase, lease, condemnation, gift, in trust, or otherwise, and to hold for the city, any and all property necessary or convenient for such purposes;

(3) To construct and operate, sell, rent or lease concessions or privileges to be exercised in the parks for the operation

of boat houses, refreshment stands, restaurants, amusement places or devices, parcel checking rooms and lockers and other similar purposes;

(4) To establish schedules of charges for special services;

(5) To grant to the Department of Playground and Recreation, the right to establish, maintain and operate playground and recreation facilities on lands under the control of the Department of Parks, upon such terms and conditions as shall be fixed by the Board of Park Commissioners;

(6) To have charge over and care of trees, plants and lawns in parkings along public streets, subject to street improvements authorized by the city.

Sec. 173. For the financial support of the Department of ^{Park} Parks, there is hereby appropriated an annual sum of not less ^{fund.} than seven cents (7c) on each one hundred dollars (\$100.00) of assessed value of all real and personal property of the city as assessed for city taxes. Additional appropriations may be made from the general city funds. All money arising from either class of appropriations above referred to, or received by the Department of Parks from fees, sales, gifts, or otherwise in connection with the operation of the department, shall be placed to the credit of the Department of Parks in a fund to be known as the Park Fund. No money in the Park Fund shall be used for any purpose other than the financial support of the Department of Parks.

Sec. 174. The Board of Park Commissioners shall have ^{Use of} power to control and order, in the manner in this charter ^{funds.} provided, the expenditure of all money coming into the Park Fund, or from the sale of bonds authorized by the city for financing the work of the Park Department, and to appropriate and expend the same for the purposes of the department, in accordance with the provisions of this charter. Said board may invest any surplus funds under their control in bonds or other evidences of indebtedness of the United States, the State of California, or of any political subdivision thereof, and the income derived therefrom shall be deposited in the City Treasury to the credit of the Park Fund.

Sec. 175. The general manager of the Department of ^{Supt. of} Parks shall be known as the Superintendent of Parks. ^{Parks.}

Sec. 176. No real property shall be acquired by the city ^{Park} for park sites unless such sites are first approved by the Board ^{sites.} of Park Commissioners. Said board shall have full control over all park sites and no such sites shall be devoted to any other purpose in whole or in part without permission from said board.

Sec. 177. Whenever funds are donated by any person or ^{Donated} persons for the acquisition or construction of any building, ^{funds.} structure, work or improvement in a public park, and the donor or donors thereof shall, at the time of such donation, request the appointment of a special commission to take charge of the expenditure of such funds and to supervise the construction of such improvement, the Council may, in its discretion,

if said proposed improvement will increase the value of such park for park purposes, provide by ordinance for the appointment by the Mayor, subject to confirmation by a majority of the Council, of a special commission to take charge of the supervision of the construction of such improvement and the expenditure of funds donated therefor. In the event funds are donated in the manner provided in this section for the maintenance of any such improvement at the time of the construction thereof or otherwise, the Council may, by ordinance, create a commission to have charge of such maintenance. Any commission appointed under the provisions of this section shall have such powers and duties as to such construction or maintenance as may be conferred upon it by ordinance.

Use of
park sites.

Sec. 178. All lands belonging to the city which have heretofore or which may hereafter be set apart or dedicated for the use of the public as a public park, shall forever remain to the use of the public inviolate; provided, however, that the Board of Park Commissioners may, with the approval of the Council, given by ordinance, grant easements or rights-of-way to any public utility holding a franchise from the city authorizing operation in, under, along or over such right-of-way, such easement not to extend beyond the lifetime of such franchise; and may authorize the opening, establishment and maintenance of streets or other public ways in or through such parks; and provided, further, that any work, improvement or structure pertaining to the municipal water works, electric plant system or other utility owned by the city and necessary or convenient for giving service to the city or its inhabitants by means of or in connection with such works, system or utility, may be located, constructed, operated and maintained in any public park by the board or officer in charge of such works, system or utility, with the approval and subject to regulations of the Council, expressed by ordinance; and provided further, that the Board of Park Commissioners may, with the approval of the Council, expressed by ordinance, grant to the County of Los Angeles, for a period not exceeding fifty (50) years, the exclusive possession and use of any portion of any public park for the erection and maintenance of public buildings not inconsistent with public park purposes; and provided further, that the Board of Park Commissioners may provide for or permit, under such terms as the board may prescribe, and with the approval of the Council given by ordinance, the taking and disposal of moulding sand from Elysian Park. All money derived therefrom shall be deposited in the City Treasury to the credit of the Park Fund. Any such permit shall require the person receiving it to leave the land from which said moulding sand is removed, in a smooth condition on such level as shall be specified by the Board of Park Commissioners.

ARTICLE XVII.

DEPARTMENT OF PENSIONS.

Sec. 180. The Board of Pension Commissioners shall administer the police and fire pension systems of the city, and have exclusive control of the administration and investment of the fire and police pension fund which may be established as hereinafter provided; provided, however, that any money in such fund shall be kept on deposit in the City Treasury or be invested in bonds and securities authorized by law as legal investments for savings banks, such bonds or other securities purchased as aforesaid to be placed in the custody of the Treasurer, who is hereby directed to act as a depository for such bonds or securities. All interest and earnings from such investments shall accrue and be deposited to the credit of the fire and police pension fund.

Pension
Commiss-
sioners.

Sec. 181. Any member of the Fire or Police Department who shall have served in such department for thirty years in the aggregate in any capacity or rank whatever, shall on his request, or by order of the board, if it be deemed for the good of the department, be retired from further service in such department, and he shall thereafter, during his lifetime, be paid in equal monthly installments from said fund a yearly pension equal to two-thirds of the annual salary attached to the rank or position held by him in such department one year prior to the date of his retirement. Provided, that after twenty years' service, on request of such member, or by the board for the good of the department, such person shall be retired and paid in equal monthly installments from said fund a limited pension as follows: For twenty years' service, fifty per cent (50%) of the annual salary of the rank or position held by him one year prior to the date of retirement; and an additional one and two-thirds per cent ($1\frac{2}{3}\%$) of such salary for each year over twenty years and less than thirty years in the aggregate served by such member before retirement.

Service
retirement.

Sec. 182. Whenever any member of the Fire or Police Department shall become physically disabled by reason of bodily injuries received in, or by reason of sickness caused by, the discharge of the duties of such person in such department, or shall become so physically or mentally disabled as a result of such injury or sickness as to render necessary his retirement from active service, the board shall order and direct that such person be retired from further service in such department; and thereafter such person so retired shall, during his lifetime, be paid from said pension fund a yearly pension equal to one-half ($\frac{1}{2}$) of the amount of the salary attached to the rank or position held by him in such department at the date of such retirement order. Such pension shall be paid in equal monthly installments. Provided, however, that any pension granted to any member of the Fire or Police Department for disability or sickness, or the result thereof, as provided for in this section, shall cease when the disability

Disability
retirement.

or sickness or the result therefrom ceases and such person shall, subject to civil service and other provisions of this charter governing the appointment of city employees, be restored to active duty in such department of which such person was a member at the time of retirement, to the same rank or position which such person held at said time.

Provided, further, that no person shall be retired as provided in this section, or shall receive any benefits from said pension fund, unless there shall have been filed with said Board of Pension Commissioners, prior to the granting of such pension, certificates of disability, subscribed and sworn to by such person and by three regularly licensed practicing physicians of said city, one of whom shall be the police surgeon, one to be selected by the said commission, and one by the person applying for such pension.

No person eligible for retirement under the provisions of Sec. 181 hereof, shall be retired under the provisions of this section.

Dependents
to receive
pensions.

Sec. 183. Whenever any member of the Fire or Police Department shall die as a result of any injury received during the performance of his duty, or from sickness caused by the discharge of such duty, or after retirement, or while eligible to retirement from such department on account of years of service then an annual pension shall be paid in equal monthly installments to his widow, or child or children, or dependent parent or parents, in an amount equal to one-half ($\frac{1}{2}$) of the salary attached to the rank or position which such deceased person held in such department at the time of his death or one year prior to the date of his retirement from active duty in such department. Said pension shall be paid to the widow during her lifetime, and thereafter to any child or children surviving her, or to his child or children should there be no widow, until such child or children shall have attained the age of eighteen years, or to his dependent parent or parents during their lifetime or during such dependence, should there be no widow or child. Provided, however, that no widow of a pensioner shall be entitled to a pension unless she shall have been married to such deceased pensioner at least one year prior to the date of his retirement; and, provided, further, that no widow of a member of the Fire or Police Departments eligible for retirement from such department, who dies from causes other than those arising out of or from the performance of his duties, shall be entitled to a pension unless she shall have been married to such deceased member for at least one (1) year prior to the date of his death, and, provided, further, that if such widow, child or children shall marry, then the pension paid to the person so marrying shall cease, and provided, further, that should the dependency of such parent or parents terminate, then the pension paid to such dependent parent or parents shall cease.

Pensions
not to be
changed.

Sec. 184. That all pensions granted in accordance with the provisions of Sections 181, and 182 hereof shall remain in full

force and effect for the period granted, and any increase or decrease of salaries of active members of the Fire and Police Departments shall not in anywise affect the amount of the pensions paid to retired members of such departments, nor shall the amount of such pensions be changed for any other reason.

Sec. 185. For the purpose of the provisions contained herein, the Fire Department shall consist of all persons duly and regularly appointed in the Fire Department under civil service rules and regulations, whose duty it is to prevent or extinguish fires in the City of Los Angeles, under whatever designation they may be described in any salary or departmental ordinance providing compensation for said Fire Department; and the Police Department shall consist of all members of such Police Department appointed under civil service rules and regulations and sworn in, as provided by law, to perform the duties of a regular police officer of the City of Los Angeles, under whatever designation that they may be described in any salary or departmental ordinance providing compensation for the members of said Police Department. The provisions as herein in this charter contained shall apply to all members of the Fire and Police Departments as in this section defined, and to all members of said departments who have been heretofore granted pensions.

Police and Fire Departments: What to consist of.

Sec. 186. For the purpose of providing and maintaining a fund to meet the payments of demands drawn for the payment of pensions and the expense of said Department of Pensions, as hereinbefore provided, a fund is hereby created to be known as the "Fire and Police Pension Fund."

Pension fund.

The Board of Pension Commissioners shall employ an actuary, who shall render a report of the cost of maintaining upon a reserve basis the pension system as hereinabove provided, and shall at least once in every five years after the establishment of the pension system, as hereinabove provided, cause said fund to be revalued, and secure an actuarial report thereon. The term "reserve basis," as herein used, is defined to be a system which provides for the accumulation and maintenance of a fund which will at all times be equal to the difference between the present value of the obligations assumed and the present value of the money to be received for paying such obligations, where such present values are estimated in accordance with accepted actuarial methods and on the basis of an assumed rate of interest and the mathematical probabilities of the occurrence of such contingencies as affect both the payment of the assumed obligations and the receipt of money with which they are to be paid.

Reserve basis.

The Board of Pension Commissioners shall annually prepare a budget of the cost of maintaining the Fire and Police Pension Fund as hereinabove described including therein the separate items:

Annual budget.

(1) A sum equal to that percentage of the salaries of all employees affected by the system shown by the last report of

the actuary hereinabove mentioned as the percentage required for employees with no past service.

(2) A sum sufficient to liquidate over a reasonable period of years the deficit shown by the last report of the actuary hereinabove mentioned.

(3) The amount of any deficit which may remain in said fund in the event the appropriation of any previous year proved insufficient to pay the demands drawn against said fund, and the City Council shall appropriate the amount of such budget to the Fire and Police Pension Fund.

Moneys to be paid into fund.

There shall be paid into said fund the following moneys, to-wit:

(a) The amount appropriated by the City Council, as hereinbefore provided;

(b) All interest and earnings from the investment of said funds;

(c) All contributions and donations to the Fire and Police Departments for services by any member or members thereof, except amounts of money donated to provide for any medal or permanent competitive award;

(d) All fines imposed upon members of the Fire and Police Departments for violations of rules and regulations of said departments; and,

(e) All proceeds from the sale of unclaimed property.

Pensions for other city employees.

Sec. 187. The Board of Pension Commissioners shall, within six (6) months after this charter takes effect, prepare a pension plan for all city employees not under the police and fire pension system. Such plan shall be submitted to the Council in the form of an ordinance approved as to form by the City Attorney. The Council shall submit said ordinance, without alteration, to the voters of the city for their approval or rejection at the next general or special election thereafter. If adopted by the voters, said ordinance shall not be amended or repealed except by a vote of the people. Such pension plan may be retroactive from the date of the adoption of this charter.

Manager. Secretary.

Sec. 188. The positions of general manager of the department and of secretary to the board may be consolidated, in the discretion of the board.

ARTICLE XVIII.

DEPARTMENT OF PLAYGROUND AND RECREATION.

Playground and Recreation Department.

Sec. 190. The Department of Playground and Recreation shall have the power and duty:

(1) To manage and control the playgrounds, bath houses, recreation centers, recreation camps and recreation beaches owned or operated by the City of Los Angeles;

(2) To establish, maintain and operate playgrounds, bath houses, recreation centers, recreation camps, recreation beaches and other types of recreation, within or without the city limits, and to acquire and take by purchase, lease, condemnation, gift, in trust, or otherwise, and to hold for the city, any

and all property necessary or convenient for such purposes;

(3) To aid and promote public recreation;

(4) To construct and operate, sell, rent or lease concessions or privileges to be exercised in the playgrounds, bath houses, recreation centers, recreation camps and recreation beaches, for the operation of boat houses, refreshment stands, restaurants, amusement places or devices, parcel checking rooms, lockers, and other similar purposes;

(5) To establish schedules of charges for special services;

(6) To establish, maintain and operate playground and recreation facilities on lands under the control of the Department of Parks, upon such terms and conditions as shall be fixed by the Board of Park Commissioners, and approved by the Board of Playground and Recreation Commissioners;

(7) To establish, maintain and operate playground and recreation facilities upon portions of public streets upon such terms and conditions as shall be fixed by the Council by ordinance.

Sec. 191. For the financial support of the Department of Playground and Recreation, there is hereby appropriated an annual sum of not less than four cents (4c) on each one hundred dollars (\$100.00) of assessed value of all real and personal property of the city as assessed for city taxes. Additional appropriations may be made from the general city funds. All money arising from either class of appropriations referred to, or received by the Department of Playground and Recreation from fees, sales, gifts or otherwise in connection with the operation of the Department, shall be placed to the credit of the Department of Playground and Recreation in a fund to be known as the "Playground and Recreation Fund." No money in the Playground and Recreation Fund shall be used for any purpose other than the financial support of the Department of Playground and Recreation.

Playground
and recrea-
tion fund.

Sec. 192. The Board of Playground and Recreation Commissioners shall have power to control and order, in the manner in this charter provided, the expenditure of all money coming into the Playground and Recreation Fund or from the sale of bonds authorized by the city for financing the work of the Playground and Recreation Department, and to appropriate and expend the same for the purposes of the department, in accordance with the provisions of this charter. Said board may invest any surplus funds under its control in bonds or other evidences of indebtedness of the United States, the State of California, or of any political subdivision thereof, and the income derived therefrom shall be deposited in the City Treasury to the credit of the Playground and Recreation Fund.

Use of
funds.

Sec. 193. The general manager of the Department of Playground and Recreation shall be known as the Superintendent of Playground and Recreation.

Superin-
tendent.

Sec. 194. No real property shall be acquired by the city for playground and recreation sites unless such sites are first

Sites.

approved by the Board of Playground and Recreation Commissioners. Said board shall have full control over all playground and recreation sites and no such sites shall be devoted to any other purpose in whole or in part without permission from said board.

ARTICLE XIX.

POLICE DEPARTMENT.

Police Department.

Sec. 198. The Police Department shall have the power and duty to enforce the penal provisions of this charter of the ordinances of the city and of the laws of the state and nation. In the discharge of said powers and duties the members of said department shall have the powers and duties of peace officers as defined by state law.

Chief,
Court duties.

Sec. 199. The General Manager of the Police Department shall be known as the Chief of Police. He shall, by himself or by deputy, execute and return all writs and processes issued by any court having jurisdiction of criminal cases arising upon violations of the provisions of this charter or the ordinances of the city. He, or one of his deputies, shall attend on the sittings of any such court and preserve order therein; and his jurisdiction and that of his deputies in the service of process in all criminal cases, and in cases of violation of the city ordinances, shall be co-extensive with the county.

General powers and duties.

Sec. 200. He shall suppress all riots, disturbances and breaches of the peace, and to that end may call on any person to aid him. He may pursue and arrest, within the limits of the city, any person fleeing from justice from any part of the state, and shall forthwith bring all persons by him arrested before a judge of the proper court for trial or examination. He may receive and execute any proper authority for the arrest and detention of criminals fleeing or escaping from other places or states.

Powers of Sheriff.

Sec. 201. He shall have, in the discharge of his proper duties, like powers and be subject to like responsibilities as a sheriff in similar cases.

Suspensions, Removals, Reinstatements.

Sec. 202. The Chief of Police shall have the power to suspend or remove any officer or employee in the Police Department; but no such suspension or removal shall be made except for cause, which shall be stated in writing and filed with the Board of Police Commissioners, with certification that a copy of such statement has been served upon the person so suspended or removed personally, or by leaving a copy thereof at his last known place of residence if he cannot be found. Upon such filing the suspension or removal shall take effect. Within fifteen days after such statement shall have been filed, the said board, upon its own motion, may, or upon written application of the person so suspended or removed filed with said board within five days after service upon him of such statement, as above provided, shall proceed to investigate the grounds for such suspension or removal. If, in the case of a removal, the said board, after such investi-

gation, shall find in writing that the grounds stated were insufficient, or were not sustained, and also finds in writing that the person removed is a fit and suitable person to fill the position from which he was removed, the said board shall reinstate him in such position; and if, in the case of a suspension, the board, after such investigation, shall find in writing that the grounds stated were insufficient, or were not sustained, the said board shall restore the person so suspended to duty. The order of said board with respect to such suspension or removal shall be final and conclusive. Any person restored to duty or reinstated in his position after suspension or removal, as provided in this section, shall be entitled to receive such compensation from the city the same as if such suspension or removal had not been made.

Sec. 203. The Board of Police Commissioners shall have ^{Permits.} power to grant permits, in the manner prescribed by ordinance, authorizing the City Clerk to issue licenses to persons desiring to engage in any business required, under the ordinances of the city, to secure such permit from said commission.

Sec. 204. The Board of Police Commissioners shall have ^{Traffic bureau may be established.} power, at its option, from time to time, to divide the work, organization and employees of the department into two bureaus and to appoint a general manager or chief administrative officer for each such bureau in lieu of one general manager or chief administrative officer for the entire department, as authorized by Sec. 79 of the charter. Each such bureau general manager shall be appointed by and be directly responsible to said board and shall have in relation to the Board of Police Commissioners and to the Bureau of which he is general manager the same powers and duties set forth by this charter for the general manager or chief administrative officer of the department, in said manager's relation to said Board and to said department as a whole. In case such division into bureaus is established, the Chief of Police shall be the General Manager of one of such bureaus. It shall be the duty of each such bureau to enforce all the laws which it is the duty of the department to enforce, but to one such bureau may be assigned the special duty of the enforcement of the traffic laws and regulations applicable to the streets and other public ways of travel of the City of Los Angeles. In case of such division the Chief of Police shall not be the general manager of the bureau last above named. Such bureaus may be abolished at any time by said board and the entire work of the department be again consolidated under the one chief administrative officer.

Sec. 205. The position in the first Board of Police Com- ^{First board.} missioners organized under this charter held by the Mayor of the previous administration as provided in Sec. 73 of this charter, shall immediately become vacant upon the appointment and qualification of a successor to such position, who shall serve for the unexpired term of the position held by said Mayor. Said successor shall be appointed by the Mayor and

confirmed by the Council, within sixty days after this charter is in full force and effect.

ARTICLE XX.

DEPARTMENT OF PUBLIC UTILITIES AND TRANSPORTATION.

Public
utilities and
transportation.

Sec. 210. The Board of Public Utilities and Transportation shall have the following powers and duties:

(1) To investigate all privately owned public utilities in the city of Los Angeles (except utilities at the harbor placed by this charter under the jurisdiction of the Harbor Department) and compile such data as may be necessary to determine the proper services to be furnished by such utilities or the charges to be made therefor. The board shall have the right of access at all reasonable times to the property and records of said utilities for the purpose of investigation and may require reports respecting said matters from such utilities at such time and in such form as said board may prescribe.

(2) To establish and prescribe by resolution regulations providing for the operation of, the extent, character and quality of service of, the rates to be charged by and the extensions to be required of any said utility, all in a manner not in conflict with any paramount regulation, rate fixing or extension requirements for any such utility by the state or nation. The Secretary of the Board shall publish once in the official newspaper a certified copy of every such proposed regulation, tentatively approved by the board, together with a notice to any and all persons to show cause, if any, within five days from the date of publication of said notice, why the proposed regulation should not be made effective. Any person interested in or affected by the proposed regulation may, within five days after the expiration of such publication file objections thereto with the Secretary of the Board, specifying the grounds of such objections. The Secretary shall lay all such objections before the board at its next regular meeting after the expiration of the time for filing the same, and the board shall then fix a date not less than five days later for hearing any and all objections, and shall, after said hearing, finally act on said proposed regulation by approving, changing or rejecting the same, providing that any resolution of the board approving any such regulation shall be published once before becoming effective and shall be subject to the referendum provisions of this charter relating to ordinances. Any resolution fixing rates must be approved by the Council, by ordinance, before taking effect.

(3) To investigate complaints against the service or charges of any said utility and to make orders adjusting the same.

(4) To inspect all such utilities as to their compliance with their franchises, the ordinances of the city and the laws of the state, and as to their service generally; and to enforce in the manner prescribed by law, a compliance with the terms of such franchises and ordinances or laws applicable thereto.

(5) To keep a record of all public utility franchises granted by the city or exercised therein.

Sec. 211. Every application made to or granted by the Franchisee. Council for a franchise for any public utility (except utilities at the harbor placed by this charter under the jurisdiction of the Harbor Department), shall, before any action is taken thereon, be referred by the Council to the Board of Public Utilities and Transportation for its recommendation respecting the same. Said board shall proceed to inquire into such application or grant, and within thirty days after such application or grant has been referred to it, or longer if allowed by the Council, shall report to the Council its recommendation relative thereto. If, in the judgment of the board, such application or grant should not be advertised for sale or granted, it shall so report, stating its reasons therefor; and if, in the judgment of the board, such application or grant should be granted, it shall recommend the terms and conditions upon which the same should be so granted. No franchise shall be advertised for sale or granted unless such application or grant shall have been referred to the Board of Public Utilities and Transportation as aforesaid; provided, however, that if said board shall fail to report thereon within the time herein prescribed, or as extended by the Council, nothing herein contained shall be construed to prevent the Council, in its discretion, from proceeding to advertise such franchise for sale, or from awarding or granting the same, as provided by law. No franchise shall be advertised for sale or granted contrary to the recommendations of said board except upon a three-fourths vote of the entire Council.

Sec. 212. The term "public utility," as used in this charter, is hereby defined as including the following: "Public utility" defined.

(1) Any public service declared by the Constitution or Statutes of the State of California or the decisions of the Federal or State Courts, to be a public utility;

(2) The operation of vehicles for hire, regardless of the form of transportation;

(3) Any public service declared to be a public utility by the Council by ordinance which the city has authority to adopt.

ARTICLE XXI.

DEPARTMENT OF SOCIAL SERVICE.

Sec. 215. The Social Service Department shall have the power and duty: Social Service Department.

(1) To investigate and endorse charitable or philanthropic corporations or associations dependent upon public appeal or general solicitations for support, as provided by ordinance.

(2) To enforce the ordinances of the city regulating or supervising the solicitation of money or other valuable property for charitable purposes.

(3) To encourage the formation of private charities to meet needs not already provided for and to foster all worthy charitable and philanthropic enterprises.

(4) To disburse all funds set apart by the city for charitable purposes.

(5) To study and suggest means of improving the conditions producing the need of relief.

(6) To promote cooperation among all charities in the city.

(7) To receive gifts, bequests or devises to be used for charitable or philanthropic purposes and to administer any trust declared or created for any such purpose in accordance with the terms of said trust.

(8) To investigate misstatements, deceptions and frauds in connection with the solicitation of alms, food, clothing, money or contributions within the City of Los Angeles for charitable or philanthropic or purported charitable or philanthropic purposes; to give and obtain publicity to the results of any investigations made by said Department of any such misstatement, deception or fraud; and by all lawful and proper means to prevent and cooperate in the prevention of the making or perpetration of any misstatement, deception or fraud in connection with any such solicitation aforesaid.

No person, while serving as an officer or director of any corporation or association coming within the purview of this section, shall be eligible to serve as a member of the Board of Social Service Commissioners.

ARTICLE XXII.

DEPARTMENT OF WATER AND POWER.

Sec. 218. The City of Los Angeles shall continue in the ownership and enjoyment of all the rights to the water of the Los Angeles River, heretofore vested in it, its predecessors or predecessor, including the Pueblo of Los Angeles, and is hereby declared to have the full, free and exclusive right to all the water flowing in the said river at any point from its source or sources to the intersection of said river with the southern boundary of said city, and also the ownership of, and the right to develop, economize, control, use and utilize, all the water flowing beneath the surface in the bed of said river at any point or points between the points of termini above named.

Sec. 219. The city shall not sell, lease or otherwise dispose of its rights in the waters of said Los Angeles River, in whole or in part. No other water or water right, nor any of the following property, now or hereafter owned or controlled by the city, to-wit: electric energy, or the right to develop electric or other power by means of any water or water right now or hereafter owned or controlled by the city, shall ever be sold, leased or disposed of, in whole or in part, without the assent of two-thirds of the qualified voters of the city voting on the proposition at a general or special election, at which such proposition shall be lawfully submitted, and no water shall ever be sold, supplied or distributed to any person or corporation, other than municipal, for resale, rental or disposal to consumers or other persons. Neither shall any electric power ever be sold, supplied or distributed to any person or corporation other than

Waters of
Los Angeles
River.

Restrictions
upon disposal
of water and
power.

municipal for resale, rental or disposal to consumers or other persons, without the assent of two-thirds of the qualified voters of said city given, as aforesaid; provided, that nothing in this section contained shall be construed to prevent the ordinary sale and distribution by the city of water and electric energy to its inhabitants for their own use, or to prevent the supplying or distribution by the city of surplus water or surplus electric energy to consumers or municipal corporations outside of the city, as elsewhere in this charter provided.

Sec. 220. The Department of Water and Power shall have the power and duty:

Department
of water
and power.

(1) To construct, operate, maintain, extend, manage and control works and property for the purpose of supplying the city and its inhabitants with water and electric energy, or either, and to acquire and take, by purchase, lease, condemnation or otherwise, and to hold, in the name of the city, any and all property situated within or without the city, and within or without the state, that may be necessary or convenient for such purpose.

Property.

(2) To regulate and control the use, sale and distribution of water and electric energy owned or controlled by the city; the collection of water and electric rates, and the granting of permits for connections with said water or electric works; and to fix the rates to be charged for such connections; and, subject to the approval of the Council by ordinance, to fix the rates to be charged for water or electric energy for use within or without the city, and to prescribe the time and the manner of payment of the same. Such rates shall be so fixed at least every two years; provided that, except as hereinafter otherwise prescribed, such rates shall be of uniform operation, as near as may be, and shall be fair and reasonable, taking into consideration, among other things, the nature of the use, the quantity supplied and the value of the service; provided, further, that the rates inside the city may be less, but not greater, than the rates outside the city for the same or similar uses.

Rates.

(3) To supply and distribute, at rates fixed as hereinbefore provided, any surplus water or surplus electric energy, owned or controlled by the city and not required for the use of consumers served by the city within its limits, to consumers outside the city for their own use, and to municipal corporations outside the city for municipal uses, or for resale, disposal or distribution, to consumers within their limits; provided, that the supplying or distribution of such surplus water or surplus electric energy, shall, in any 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 surplus water or surplus electric energy for the use of the city and its inhabitants; provided, further, that contracts for supplying surplus water or surplus electric energy by the city to municipal corporations outside the city, or for interchange of surplus water or surplus electric energy with any such outside municipal corporations, may be made by the Board of Water and

Consumers
outside
the city.

Power Commissioners in the name of the city for periods not exceeding fifteen years, and upon such terms and conditions, and for such compensation to the city, as shall be prescribed by resolution adopted by the board and approved by an ordinance of the city; but in every such contract the right shall be reserved to the city to terminate the same upon three years' written notice to such municipal corporation, to be given by said board whenever it shall be determined and declared by resolution adopted by the board and approved by an ordinance of said city, that the water or electric energy to be supplied under such contract is required for the City of Los Angeles, and its inhabitants; and every such contract must, before the execution thereof, be assented to by the majority of the qualified electors of said city voting upon the proposition at a general or special election at which such proposition shall be submitted.

Bureaus.

(4) In the discretion of the board, to divide the work of the department into two bureaus; namely, a Bureau of Water Works and Supply and a Bureau of Power and Light, and to discontinue such bureaus and consolidate the work thereof. In case such division is made, the board shall have the power to appoint a general manager for each such bureau, in lieu of one general manager for the entire department as elsewhere in this charter provided. In case such division is not made, the general manager of the department shall be the chief engineer of the department and shall have recognized ability and broad experience in hydraulic and electrical engineering and the economics of water and electrical utilities. In case such division is made, the General Manager of the Bureau of Water Works and Supply shall be the Chief Engineer of such bureau, and shall be known as the Chief Engineer of Water Works, and the General Manager of the Bureau of Power and Light shall be the Chief Engineer of such bureau and shall be known as the Chief Electrical Engineer. Each such bureau general manager shall be directly responsible to the board, and shall have the same powers and duties as a department general manager in relation to the affairs of such bureau and in relation to the board. A two-thirds vote of the members of the whole board shall be necessary to remove such department general manager or a bureau general manager.

Manager.

Suits.

(5) To sue and be sued, and to require the services of the City Attorney free of charge in all cases to which the board or department is a party.

Disposition of property.

(6) To lease, for a term not exceeding five years, any or all the lands under its control for agricultural or other purposes, which shall not conflict with the beneficial uses of said lands by the city for the purposes for which they are held by the board; and, except as otherwise provided in this charter, to sell, from time to time, such personal property placed under its control, as shall not be longer necessary or suitable for the use of such department. The board shall have the right, in conjunction with the joint use of poles, or pole facilities, with other utilities owning and maintaining poles or pole facilities,

to buy, sell or lease fractional interests in poles or pole facilities, owned or controlled by said other utilities or by said board. No real property nor any rights or interest in real property held by said board shall be sold, leased, or otherwise disposed of, or in any manner withdrawn from its control, save as above provided, unless by written instrument duly authorized by ordinance of the city and a resolution of the board, and duly executed by the city and the board, and subject to the provisions of Sec. 219.

(7) To control and order, except as otherwise in this charter provided, the expenditure of all money received from the sale or use of water, or from any other source in connection with the operation of said water works, and all money received from the sale or use of electric energy, or from any other source in connection with the operation of said electric works; provided, that all such money pertaining to said water works shall be deposited in the City Treasury to the credit of a fund to be known as the "Water Revenue Fund", and all such money pertaining to said electric works shall be deposited in the City Treasury to the credit of a fund to be known as the "Power Revenue Fund"; and the money so deposited in each such fund shall be kept separate and apart from other money of the city, and shall be drawn only from said fund upon demands authenticated by the signature of the chief accounting employee of the board. Funds.

Sec. 221. None of the money in or belonging to the Water Revenue Fund or the Power Revenue Fund shall be appropriated or used for any purpose except the following purposes pertaining to the municipal works from or on account of which such money was received, to-wit: Use of funds.

First: For the necessary expenses of operating and maintaining such works.

Second: For the payment of the principal and interest, or either, due or coming due upon outstanding notes, certificates or other evidences of indebtedness issued against revenues from such works, in pursuance of Sec. 224, or bonds or other evidences of indebtedness, general or district, heretofore or hereafter issued for the purpose of such works, or parts thereof.

Third: For the necessary expenses of constructing, extending and improving such works, including the purchase of lands, water rights and other property; also the necessary expenses of conducting and extending the business of the department pertaining to such works.

Fourth: To return and pay into the General Fund of the City, from time to time, upon resolution of the board, from any surplus money in either such revenue fund, any sums paid by the city from funds raised by taxation for the payment of the principal or interest of any municipal bonds issued by the city for or on account of the municipal works to which such revenue fund pertains.

Fifth: For defraying the expenses of any pension system applicable to the employees of the department, that shall be established by the city.

Sixth: To be transferred as provided in Sec. 382 of this charter.

Extensions
and
betterments.

Sec. 222. The board shall provide for the cost of extensions and betterments of said water works and electric works from the funds derived from the sale of bonds, general or district, so far as such funds shall be made available for the use of the board for said purposes, and so far as such funds shall not be made available for the use of the board therefor, from revenues received from the works to which such extensions and betterments pertain, and from the proceeds of loans contracted as provided by Sec. 224.

Sinking
funds.

Sec. 223. The board shall each year apportion and set apart out of the revenue fund in the city treasury pertaining to each such municipal works an amount or amounts sufficient to pay at maturity all sums coming due in said year for principal and interest, upon all outstanding bonds, general or district, issued for the purposes of the works, to which such revenue fund pertains, and said amounts shall be transferred forthwith into a special fund in the city treasury, to be designated by a name indicating the nature or purpose of such special fund and the works from which said amount or amounts were derived, and the money in such special fund shall be subject to apportionment by the Controller, as may be required to make such payments on the principal and interest of said bonds, and for no other purpose. Any interest or increment received on the money in any such special fund shall be paid into such special fund and become a part thereof. The foregoing provisions of this section shall apply to all such bonds now outstanding or hereafter issued; provided, however, that payment out of revenue, as above provided, of the principal and interest of bonds issued subsequent to January 1, 1924, for securing water or electric energy from new sources, shall be required only to the extent determined by resolution of the board, approved by a majority vote of the Council prior to the submission to the electors of the city of the proposition of authorizing such bonds. Such resolution shall be subject to amendment only by resolution of said board, approved by a majority vote of the Council and assented to by a majority of the electors of the city voting on the question of approving such resolution at a general or special election at which such question shall be lawfully submitted.

Bonds
issued
subsequent
to Jan. 1,
1924.

Emergency
indebted-
ness.

Sec. 224. The board shall also have power upon determining that an emergency exists which justifies it in so doing to borrow money upon such terms and conditions, and under such procedure, as may be prescribed by ordinance, for the purpose of acquiring, constructing, reconstructing, repairing, extending or improving works for supplying the city and its inhabitants with water or electric energy, and to issue notes,

certificates or other evidences of indebtedness therefor, subject to the following provisions:

(1.) The principal and interest of any indebtedness so created shall be payable only out of the revenue fund pertaining to the municipal works for or on account of which such indebtedness was created; excepting, however, that provision may be made for the payment of any such water or power indebtedness, or any part thereof, by the authorization and sale of general municipal or district bonds in the manner elsewhere prescribed in this charter.

(2.) The whole amount of any such indebtedness shall be payable in not to exceed five years from the time of contracting the same; provided, that any such indebtedness, or part thereof, made payable after one year from the time of contracting the same shall be subject to the right of the board to pay the same with accrued interest thereon on any interest due date after said one year period.

(3.) The total outstanding indebtedness incurred under the provisions of this section for the purpose of either of such municipal works must not exceed thirty-three and one-third per cent of the gross operating revenue from such works during the preceding fiscal year.

(4.) The rates for service from the municipal works for or on account of which any such indebtedness is created shall be so fixed as to provide for payment at maturity of the principal and interest of such indebtedness in addition to all other obligations and liabilities payable from the revenue fund pertaining to such works.

Sec. 225. The Board of Water and Power Commissioners is hereby declared to be the successor in interest to both the Board of Water Commissioners and the Board of Public Service Commissioners. Successor of prior boards.

ARTICLE XXIII.

DEPARTMENT OF PUBLIC WORKS.

Sec. 230. There is hereby established a Department of Public Works, to be under the management and control of the Board of Public Works. The Board of Public Works shall consist of five members, whose compensation shall be fixed by ordinance. They shall devote their entire time to the duties of their office. The members of the Board of Public Works shall be appointed and shall organize and conduct the business of the board in the manner provided in Sections 72, 73, 74, 75, 76, 77, 78, 84 of this charter relating to citizen boards. Public Works: Board of

Sec. 231. The Board of Public Works shall have all the powers and perform all the duties that are now or may hereafter be conferred or imposed by law upon the street superintendent. Successor to Street Supt.

Sec. 232. The Board of Public Works shall appoint a city engineer and an inspector of public works and shall, subject to such civil service regulations as are now or may hereafter be in force, appoint and employ and for good cause remove, Employees.

Rules. such superintendents, inspectors, clerks and employees as the Council shall, by ordinance, from time to time prescribe, and the board shall establish all necessary rules and regulations for the exercise of the powers conferred in this article, for the government of the Department of Public Works, and for the regulation and conduct of its officers and employees, and may require of any or all of such officers and employees, except laborers, adequate bonds for the faithful performance of their respective duties.

Offical bonds.

Powers and duties.

Sec. 233. (1) The Board of Public Works shall have and exercise all the powers and duties possessed by the city under this charter, and all the powers and duties that are now or may hereafter be imposed by general laws of the state upon the Council or any board or officer of the city under special assessment, as well as all other proceedings relating to:

Bids.

(a) The advertising for and inviting of proposals or bids for doing any work or making any improvement ordered by the Council or by said Board under authority elsewhere granted in this charter to be done or made, including the construction of sewers and all other public improvements in, upon or under any streets, avenues, alleys, lanes, boulevards, crossings, courts, bridges, viaducts, subways, tunnels and other subterranean avenues for travel, public places, rights-of-way and property belonging to the city;

(b) The examining, considering and preparing of such proposals or bids;

Contracts.

(c) The awarding, letting, reletting, entering into and signing of contracts on behalf of the city for doing any of said work or making of any said improvements so ordered, the giving of notice of such award or the rejection of proposals or bids for doing such work or making such improvements, and the granting of extensions of time for the completion thereof by the contractor therefor;

Bonds

(d) The fixing of the amount of bond required to be given by contractors and the approval of such bonds prior to or at the time of executing contracts for such work or improvement, the fixing of the time when such work or improvement shall be commenced (when such time is not specified by law); and fixing of the time within which the same shall be completed.

(e) The exercise of all the powers and duties that are now or may hereafter be conferred or imposed by law upon any board or officer of the City relating to the approval of the award of contracts for any of the work or improvements mentioned in this section.

(f) The exercise of all the powers and duties that are now or may hereafter be imposed by law upon any board, officer or commission provided for by law to estimate or determine the benefits, damages and costs incident to a proposed change of grade of, or any improvement of any public street or other place mentioned in this section, the making and levying of assessments upon property to cover such damages and costs.

(2) The Secretary of the Board of Public Works shall have and exercise all the powers and duties that are now or may hereafter be conferred or imposed by law upon any board or officer of the City, relating to: Secretary.

(a) The receipt, care and custody of proposals or bids for doing any of the work or making any of the improvements mentioned in this section;

(b) The care and custody of all checks and bonds accompanying such proposals or bids.

Sec. 234. The Board of Public Works shall have charge, superintendence, and control, except as otherwise specifically provided in this charter: Additional powers and duties.

Of the construction and maintenance of all streets and other places and property enumerated in Subdivision 1 of Sec. 233 of this charter;

Of all work and improvement in, on, over or under all such streets, places and property;

Of the design, construction and maintenance of all sanitary and storm sewers and drains of the city, and all connections therewith;

Of the cleaning, sprinkling and lighting of all public ways, streets, avenues, boulevards, alleys, lanes, places and courts, and the lighting of all public parks; of the lighting, heating and ventilating of all public buildings and the design, construction, alteration, maintenance and care of all public works and improvements and of all public buildings belonging to the city; of the disposal of garbage, sewage and street refuse; and of all excavations in public streets or other ways of travel herein mentioned (subject to ordinances regulating the same);

And said Board of Public Works shall have power to proceed with all such construction and maintenance, and to carry out any of the purposes herein mentioned from any funds under its control and available for such purposes; provided, that nothing in this section shall be construed to abridge the power of the Council to order any work or improvements and to provide the manner of paying therefor, such work or improvement, however, to be done under the superintendence and control of the Board of Public Works.

The Board of Public Works shall have power to acquire and take by purchase, condemnation or otherwise, in the name of the city, any and all property that may be necessary or convenient for the construction or completion of any public work or improvement the construction or completion of which the Board of Public Works has charge, superintendence or control, and the cost of which is to be paid from the proceeds of bonds issued and sold by said city, or from any other funds under the jurisdiction and control of said Board available for such purpose.

Sec. 235. All instruments, contracts, warrants, records, certificates, notices, or other documents required to be signed or executed by the Board of Public Works shall be signed, on Signing of contracts, etc.

order of the board, by the president, or by two members thereof.

Annual
report.

Sec. 236. The Board of Public Works shall present to the Council at its meeting in the second week of July, in each year, a report for the year ending on the thirtieth day of June next preceding, which shall show the amount of money received from the sale of bonds, the purposes for which such money has been expended, the amount so expended, and the balance on hand in each bond fund, and also such information and suggestions as it may deem of general interest; and the Board of Public Works shall also, on or before the tenth day of each month, make out and present to the Council a similar statement of all expenditures during the preceding month of the moneys derived from the sale of bonds.

Monthly
statement.

ARTICLE XXIV.

DEPARTMENT OF TRUSTS.

Trusts Com-
missioners.

Sec. 240. There is hereby established a Department of Trusts, to be under the management and control of a board of seven commissioners to be known as the Board of Trusts Commissioners.

Members.

Sec. 241. Said commissioners shall consist of five appointive members, with the Mayor and the President of the Council at any given time, as ex-officio members. The terms of the appointive commissioners shall be five years, beginning with the first day of July of the respective years, provided that the first five commissioners appointed under the provisions of this article shall be appointed for the following terms: one to a one year term, one to a two year term, one to a three year term, one to a four year term and one to a five year term, all said terms beginning July 1, 1925. Annually thereafter one member shall be appointed for a five year term.

Vacancies.

Any vacancy arising on said board shall be filled for the unexpired term.

Board of
Appointment.

Sec. 242. The appointive members of the Board of Trusts Commissioners shall be appointed for full terms and for unexpired terms by a Board of Appointment of five, which shall consist of the Chief Justice of the Supreme Court of the State of California, the Presiding Judges of the District Court of Appeals of the Appellate District in which the City of Los Angeles is located, the Presiding Judge of the Superior Court in and for the County of Los Angeles, and the President of the Chamber of Commerce of Los Angeles City, all of the respective years. Said Board of Appointment shall file with the City Clerk a certificate of appointment, duly acknowledged by a majority of the Board for each appointment that it makes. Said Board of Appointment shall convene upon unanimous consent or upon the written call of three members of the board, mailed to the members of the board five days before the date for meeting fixed in the call.

Rules.

Sec. 243. The Board of Trusts Commissioners shall adopt rules for its organization and meetings, and for the transaction

of its business, including the employment of all necessary employees, except that:

(1.) All meetings of the board shall be held in the City Hall if practicable, and shall be open to the public. Meetings.

(2.) The City Clerk, by deputy, shall act as secretary of the board. The secretary shall keep a record of the proceedings and transactions of the board specifying therein the names of the commissioners at all meetings and give the ayes and noes upon all votes. Secretary.

(3.) The board shall act by resolution adopted by a majority of its members, recorded in its minutes with the ayes and noes at length. Such action shall be attested by the signatures of the president or vice-president or two members of the board, and by the signature of the secretary of the board. Record.

(4.) The accounts of the board shall be audited once a year or oftener by the Controller. Audit.

(5.) All property entrusted to the board shall be held in the name of the City of Los Angeles by the board as trustee. Property.

(6.) The members of the board shall serve without any compensation from the city whatever. Compensation.

Sec. 244. The Board of Trusts Commissioners shall have power, in its discretion to receive and execute trusts, created by gift, bequest, devise or otherwise, for the benefit of the City of Los Angeles and its inhabitants. Said trusts may be for any of the purposes or services which the city itself may promote or provide for. The board shall execute each such trust in accordance with the terms set forth in the instrument creating the trust, provided, that if the execution of any such trust involves any power or duty vested in any board or officer of the city by this charter, the Board of Trusts Commissioners must act through such board or officer and with its or his approval and consent. Powers and duties.

Sec. 245. No provision of this charter not included in this Article XXIV shall apply to the Department of Trusts.

Sec. 246. The Board of Trusts Commissioners shall file an annual report with the Council, at the close of each fiscal year, giving a full review of the work of the board during that year. Annual report.

ARTICLE XXV.

MUNICIPAL HOUSING COMMISSION.

Sec. 250. There is hereby established a "Municipal Housing Commission." Municipal Housing Commission.

The Commission shall consist of a board of fifteen (15) Directors who shall be appointed by the Mayor, subject to confirmation by the City Council, twelve of whom shall be appointed from among the twenty-four largest registered holders of bonds of the Municipal Housing Commission, except as herein otherwise provided. Members.

The term of office shall be three years, except that the first board shall be appointed on or before July 10, 1925, for a term of sixty days and need not be holders of bonds of the Term of office.

Municipal Housing Commission, and except that the board appointed to take office at the expiration of said sixty days shall be appointed, five for one year, five for two years and five for three years, and thereafter their successors shall be appointed for three years, except for the filling of vacancies, when the appointment shall be for the unexpired term.

Rights and powers.

Sec. 251. The board shall have the right and power:

(a.) To incur indebtedness by the issuance of bonds in the name of the City of Los Angeles, under such terms and conditions as shall be prescribed by the Council by ordinance, for any of the purposes for which the board is authorized to provide, or, for carrying out any of the powers possessed by said board; provided that such bonds shall be a lien upon the property of the Municipal Housing Commission alone and the city shall not be liable on account thereof.

(b.) To provide by purchase, lease, condemnation, construction or otherwise, and to improve, rent, manage, sell and repurchase lands, dwellings, apartment houses, lodging houses or tenement houses, for the purpose of improving the health, safety and welfare of the inhabitants of said city, by providing homes for those who might otherwise live in overcrowded tenements, unhealthy slums, or the most congested areas, provided that none of said property or improvement shall be sold except by a majority vote of the members of said board, approved by resolution adopted by a majority vote of the Council; and provided further that whenever any of such property shall have been transferred into private ownership the same shall immediately become subject to taxation.

(c.) To receive gifts, bequests or donations, to be used for any purpose connected with or related to the purposes for which it is organized.

(d.) To control and order the expenditure of all money received from the sale or use of the property under its control, or from any other source; provided, that all such money shall be deposited in the City Treasury to the credit of a fund to be known as the "Housing Fund" and shall be kept separate from other money of the city, and shall be drawn only from said fund upon demands authenticated by the signature of the President or Vice-President, or two members of the board, and by the signature of the Secretary of the Board. Notwithstanding any provision elsewhere in this charter contained, said "Housing Fund" shall be used only for the purposes set forth in this Article, and no part of said fund shall ever be transferred to any other fund.

(e.) To fix the compensation of all officers and employees, and shall in its discretion require bonds from any officer or employee.

(f.) To do all things necessary or convenient to carry out the purposes for which it is created.

The board shall defray all of its own expenses out of its own funds.

Sec. 252. The bonds may be of two classes:

1st. Fully paid bonds, which shall bear interest at a rate Bonds. not exceeding five and one-half per cent (5½%), to be fixed by the board.

2nd. Bonds, payable in installments of one dollar (\$1.00) per month on each One Hundred Dollar Bond, until such payments, together with earnings, at a rate not exceeding five and one-half per cent (5½%), to be fixed by the board, compounded semi-annually, amount to one hundred dollars (\$100.00), at which time fully paid bonds shall be issued in lieu of the Installment Bonds. The earnings apportioned to Installment Bonds shall be cumulative.

Sec. 253. The board shall annually elect a President, one Officers and employees. or more Vice-Presidents, a Secretary, and appoint such employees as shall be deemed necessary.

The members of the Board of Directors, President and Vice-Presidents shall serve without compensation, and shall not make any profit, directly or indirectly, out of any transaction of the Municipal Housing Commission.

The Municipal Housing Commission shall not be subject to any provision of this charter relating to Civil Service, Pensions, Purchasing Agents or Controller.

Any director may be removed by the Mayor for cause, subject to the approval of the City Council.

All bonds shall be signed by the City Treasurer and the President and Secretary of the Board.

The principal and interest on all bonds shall be payable by the City Treasurer, exclusively out of funds of the Municipal Housing Commission in his hands.

The board may adopt any By-Laws and Rules governing Rules. its business and operations not in conflict with this Charter and the Constitution of the State of California.

ARTICLE XXVI.

DEPARTMENT OF EDUCATION.

Sec. 255. The government of the School Department of Education: Board of. the City of Los Angeles shall be vested in a Board of Education, to consist of seven members, to be elected as in this charter provided, and to be called Members of the Board of Education.

Sec. 256. Each Member of the Board of Education shall Compensation of members. receive, in full compensation for all services of every kind rendered by him, five dollars for each regular meeting of said board attended by him, but not exceeding a total of fifty dollars (\$50.00) in any one calendar month, the same to be paid out of the school fund.

Sec. 257. The Board of Education shall elect one of its President. members President. It shall have power, by resolution adopted by a majority of all its members, and recorded in the minutes with the ayes and noes at length, to make rules Rules. and regulations for its proceedings, for the government and administration of the Department of Education, and for the regulation and conduct of the officers, teachers and other

employees of said department, and for the conduct of the school system of the city.

Meetings.

Sec. 258. The Board of Education shall hold regular meetings at least once every two weeks, and special meetings at such times as shall be prescribed by the rules of said board. A majority of the members of said board shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time until a quorum be present.

Sec. 259. The meetings of the Board of Education shall be public, and its records shall be open to public inspection.

Powers.

Establish and maintain schools.

Sec. 260. The Board of Education shall have power:

(1.) To establish and maintain, and to provide suitable quarters therefor, kindergartens and day nurseries, elementary schools, junior high schools, high schools, evening schools, part-time schools, parental schools, warehouses for school supplies and equipment, administrative departments, and such other schools, departments, classes, and other activities as are now authorized or are hereafter authorized by state law to be established and maintained by a City Board of Education; to change, consolidate and discontinue such schools, departments, classes, and other activities; and to establish districts therefor, and fix and alter the boundaries of such districts.

Employees.

(2.) To appoint, employ and discharge a City School Superintendent, a Deputy School Superintendent, Assistant School Superintendents, a Secretary, an Auditor, and such teachers, janitors, mechanics, laborers and other employees as may be necessary to carry into effect the powers and duties of the board; to fix, alter and allow their salaries or wages, and to withhold, for good and sufficient cause, the whole or any part of the salary or wages of any person or persons employed as aforesaid.

Rules.

(3.) To make, establish and enforce all necessary and proper rules and regulations for the government of public schools, the teachers thereof, pupils therein, and for carrying into effect the laws relating to education; also to establish and regulate the grade of schools, and determine what text books, course of study and mode of instruction shall be used in said schools.

Street improvements.

(4.) To open, widen, extend, grade, pave, sewer or otherwise improve streets and other public places in front of, or when such improvements are beneficial to, real property owned or controlled by it, and to appropriate money to pay the cost and expense of such improvements, whether made by said board, or under contracts, executed by the board, or under contracts, paid for by special assessments, made in pursuance of the general laws of the state respecting street improvements, or in pursuance of the provisions of this charter governing such proceedings. Any such special assessments shall be paid by the Board of Education in the same manner as such special assessments are paid by property privately owned.

Management of schools.

(5.) To have and exercise entire control and management of the public schools of the city in accordance with the Con-

stitution and general laws of the state and the provisions of this charter, and said board is hereby vested with all the powers and charged with all the duties provided by this charter, and also by the general laws of the state for City Boards of Education.

(6.) To print, or print and publish, in its discretion, any ^{Printing.} report compiled under authorization of the board, or submitted to the board by the City Superintendent of Schools or other employee.

(7.) To establish and maintain, in its discretion, school ^{Lunch} lunch rooms. ^{rooms.}

(8.) To sell, under rules prescribed by the board, such school district personal property as is not required for further school use; provided, that if such property is reasonably worth Two Hundred Dollars (\$200.00) or more, the board must publish, at least once in some Los Angeles city newspaper, a notice calling for sealed bids, describing the article or articles to be sold and the time when and the place where bids will be opened. At said time and place, all sealed bids shall be opened and examined, and the property sold to the highest responsible bidder among those who have submitted sealed bids and who offer to comply with all the terms and conditions required by the board; provided, however, that if any responsible person present at said opening offers to purchase such property for a price not less than five per cent higher than any other bid, either written or verbal, the property shall be sold to such person; and provided, further, that the board may reject any bid or all bids, if it should deem such action for the best public interest. ^{Sale of property.}

Sec. 261. All demands payable out of the school fund shall ^{Claims.} be approved and paid in the manner provided by state law.

Sec. 262. The City School Superintendent, with the ^{Superintendent.} approval of the Board of Education, may, for good and sufficient cause, provisionally suspend any teacher employed in the public schools of the city, until the next meeting of the Board of Education. It shall be the duty of the City School Superintendent to report to the Board of Education annually, and at such other times as it may be required, all matters pertaining to the expenditures, income and condition and progress of the public schools of said city, during the preceding year, with such recommendations as he may deem proper; to visit each school as often as practicable; to observe, and cause to be observed, such general rules for the regulation, government and instruction of the schools as may be established by the board; to recommend to the board the dismissal of teachers, stating the reasons therefor; to attend all sessions of the board, and inform it at each session of the condition of the public schools, school houses, school fund and other matters connected therewith, and recommend such measures as he may deem necessary for the advancement of education in the city, and to acquaint himself with all the laws, rules and regulations governing the public schools in said city, and the judicial

decisions thereon, and give advice connected with public schools, gratuitously, to officers, teachers, pupils and their parents and guardians.

ARTICLE XXVII.

ELECTIONS.

Elections. Sec. 265. Municipal elections held in the City of Los Angeles shall be classified as of three kinds, to wit:

- (1) Primary nominating elections,
- (2) General municipal elections,
- (3) Special elections.

General city elections. Sec. 266. General municipal elections shall be held in said city on the first Tuesday in June of every odd numbered year, commencing with the year 1925. At the general municipal election in 1925 all the elective officers of said city provided for by this charter shall be elected.

Terms of office. Sec. 267. 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 day in July next succeeding their election, and shall, except as otherwise provided for in this charter, serve 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.

Vacancies. Sec. 268. In the event of a vacancy in the office of member of the Board of Education said board shall fill the same by appointment, and in the event of a vacancy in any other elective office the Council shall fill the same by appointment. In each case the person so appointed shall hold office until the election and qualification of a person to fill the vacancy for the unexpired term, which election shall take place at the next succeeding primary nominating election or general municipal election, if any, occurring prior to the expiration of such term; and if no such election shall so occur, then such appointed person shall hold office for the unexpired term.

Submission of propositions. Sec. 269. The Council shall have power to submit to the electors of said city at any election any proposition or question or ordinance required or authorized to be so submitted by the Constitution of the State of California, the law, this charter, or by ordinance; provided, that in case such proposition or question is required by the said Constitution, law, charter or ordinance to be submitted at a special or other particular kind of election, it shall be so submitted, and not otherwise.

THE INITIATIVE.

Initiative petitions. Sec. 272. Any proposed ordinance, legislative, administrative or executive, which the Council itself might adopt, may be submitted to the Council by a petition filed with the City Clerk, as provided in Sec. 273, praying for the adoption of

such ordinance, or, if the same be not adopted, that such ordinance be submitted to a vote of the electors of the city. Any such petition shall be known as an initiative petition. Any proposed ordinance amending or repealing an ordinance theretofore proposed by petition and adopted by a vote of the electors, may be submitted to the Council by a petition filed with the City Clerk, as provided in Sec. 273 of this charter, praying that such ordinance be submitted to a vote of the electors of the city. Any such petition shall be known as an initiative petition. Any initiative petition shall set forth the proposed ordinance in full, and shall be signed by qualified electors of the city equal in number to the percentages hereinafter prescribed. The basis on which such percentages of qualified electors of the city shall be estimated shall be the total number of votes cast for all candidates for the office of Mayor at the last general municipal election, or primary nominating election, at which a Mayor was elected prior to the filing of such petition.

Sec. 273. Any petition submitting a proposed ordinance, legislative, administrative or executive, to the Council, as provided in this Article, shall be in the form, and shall be signed, filed and certified as follows:

Form of
petitions.

In making such petition, sheets of white paper of a uniform size shall be used. Such petition shall consist of separate papers, as follows: Each paper shall consist of a sheet or sheets, containing the proposed ordinance, with additional sheet or sheets for the signatures thereto; provided, however, that if any paper consists of more than one sheet it shall be and remain securely fastened together at the top. The proposed ordinance, as set forth in any paper, shall be followed by the signatures, which need not all be appended to one sheet or paper. Such petition shall be signed by qualified electors of the city in their own proper persons only, and opposite the signature written by each signer his residence shall be written by him, giving the street and number, when such designation by street and number can be given, or if the signer be unable to write, then such signature and residence shall be written by some person at his request, and the same identified on the margin by the signature of the person making the affidavit hereinafter provided. Each such paper shall have attached thereto at the bottom of the last sheet thereof the affidavit of a qualified elector of the city stating that all of the signatures on each sheet thereof were made in his presence, and that all of the sheets constituting such paper were fastened together at the time such signatures were appended thereto; and that to the best of his knowledge and belief each signature is the genuine signature of the person whose name purports to be thereunto subscribed. Each of the other sheets of such paper, containing signatures, shall be identified by the signature of the person making such affidavit.

Examination
and cer-
tification.

Within twenty days from the date of the filing of such petition, the City Clerk shall examine the same and ascertain whether or not said petition is signed by the requisite number of qualified electors of the city; and if requested by the City Clerk, the Council shall authorize him to employ persons specially for that purpose, in addition to the persons regularly employed in his office, and the provisions of the charter respecting the classified Civil Service of the city shall not apply to the persons so specially employed. When the City Clerk has completed his examination of the petition, he shall attach to the same his certificate, properly dated, showing the result of such examination, and if from such examination he shall find that said petition is signed by the requisite number of electors of the city, or is not so signed, he shall certify that the same is sufficient or insufficient, as the case may be. If by the certificate of the City Clerk the petition is found to be insufficient, it may be amended by filing a supplemental petition or petitions within ten days from the date of such certificate. The City Clerk shall, within ten days after the filing of such supplemental petition or petitions, make like examination of the same and certify to the result of such examination as hereinbefore provided. If his certificate shall show any such petition, or any such petition as amended, to be insufficient, it shall be retained by him and kept as a public record, without prejudice, however, to the filing of a new petition to the same effect. But if, by the certificate of the City Clerk, such petition, or such petition as amended, is shown to be sufficient, the City Clerk shall present the same to the Council without delay. The sufficiency or insufficiency of such petition shall not be subject to review by the Council.

Supple-
mental
petitions.

If any supplemental petition be filed, all the signatures appended to the petition and to the supplemental petition or petitions shall be considered in determining the number of qualified electors signing the initiative petition.

Withdrawal
of names.

Any signer to a petition or supplemental petition may withdraw his name by filing with the City Clerk a verified revocation of his signature before the filing of the petition or supplemental petition containing his signature, with said City Clerk. No signature can be revoked after the petition, or supplemental petition, to which it is attached has been filed. The City Clerk shall endorse on said petition and on any supplemental petition the name of the person or persons who filed the same, respectively. If any signature to such petition or supplemental petition be questioned, and in the judgment of the City Clerk should be investigated, the City Clerk shall forthwith mail notice to such purported signer, stating that his name is attached to such petition or supplemental petition, and cite him to appear before him forthwith to answer whether such signature is genuine. If the City Clerk finds that any signature is not genuine, he shall strike the same from such petitions. After an election based on

Questioned
signatures.

any initiative petition, the sufficiency of such petition in any respect shall not be subject to judicial review or be otherwise questioned.

Sec. 274. (1) If the petition praying for the adoption by the Council of any proposed ordinance, or if the same be not adopted, for the submission of such ordinance to a vote of the electors of the city, be signed by fifteen per cent of the qualified electors of said city estimated upon the basis aforesaid, and asks for the calling of a special election, then the Council shall either:

Adoption
by Council
or submis-
sion to
electors.

(a) Pass said ordinance, without alteration, within twenty days after the presentation of such petition to the Council by the City Clerk, and if the Council shall fail to pass said ordinance within said time, or if the same shall be passed by the Council, but shall be vetoed by the Mayor, and on reconsideration by the Council, said ordinance shall fail of passage over the Mayor's veto, the Council shall thereupon, within ten days after it shall have so failed of passage, call a special election, at which said proposed ordinance, without alteration, shall be submitted to a vote of the qualified electors of said city; such election shall be held not less than thirty days from the date of the presentation of such petition to the Council nor more than ninety days from said date; provided, however, that if any other election for any purpose at which all the qualified voters of the city are entitled to vote shall be called and held in said city within said ninety days, then such ordinance shall be submitted either at such last named other election or at the special election above provided for, as the Council shall determine.

(b) Forthwith after the presentation of such petition to the Council, it shall call a special election for the purpose of submitting said ordinance to a vote of the electors of the City, and such election shall be held not less than thirty days from the date of the presentation of such petition to the Council nor more than ninety days from said date; provided, however, that if any other election for any purpose at which all the qualified voters of the city are entitled to vote shall be called and held in said city within said ninety days, then such ordinance shall be submitted either at such last named other election or at the special election above provided for, as the Council shall determine.

Any ordinance proposed by initiative petition and passed by the Council and approved by the Mayor, or passed by the Council and passed over the Mayor's veto, shall be subject to the referendum by petition as herein provided in the case of other ordinances. Referendum.

(2) If the said petition be signed by at least five per cent of the qualified electors of said city, estimated upon the basis aforesaid but does not conform to both requirements of subdivision (1) of this section, even though it may ask for the calling of a special election, then such ordinance, unless enacted by the Council without alteration, shall be submitted without

alteration by the Council to a vote of the electors of the City at the next election for any purpose at which all the qualified voters of the city are entitled to vote, that shall be held at any time after thirty days from the date of the presentation of said petition to the Council.

(3) In the event that said petition prays for the submission of a proposed ordinance amending or repealing an ordinance theretofore proposed by petition and adopted by a vote of the electors, and is signed by qualified electors of the city equal in number to fifteen per cent of the qualified voters of the city estimated on the basis aforesaid, then but not otherwise, the Council must submit such proposed ordinance to a vote of the electors of the city at the next election for any purpose at which all the qualified voters of the city are entitled to vote, that shall be held at any time after thirty days from the date of the presentation of such petition to the Council.

Printing and
mailing of
arguments.

Sec. 275. Any person or persons filing an initiative petition, or the person or organization on whose behalf such petition is filed, shall have the right to file with the City Clerk, at least twenty days prior to the election at which the ordinance proposed by such petition is to be submitted to a vote of the electors of the city, printed copies of an argument favoring said proposed ordinance, and the Council shall have the right to present, or permit to be presented and filed with the City Clerk within the same limit of time, printed copies of an argument opposing said ordinance. No such argument shall exceed two thousand words in length, and such argument shall be printed in such form and upon such character of paper, suitable for mailing, as the City Clerk shall prescribe. The City Clerk shall enclose one copy of each such argument with the sample ballot and a copy of the proposed ordinance mailed to each voter, provided he has been furnished with printed copies of such argument equal in number to five per cent in excess of the total number of qualified electors of the city. Nothing in this section contained shall authorize the Council to expend money of the city for the formulating or printing of any such argument.

Effect of
adoption.

Sec. 276. If a majority of the qualified electors voting on any ordinance proposed by petition shall vote in favor thereof, such ordinance shall become an ordinance of the city upon the declaration by the Council of the result of the election at which such proposed ordinance was submitted; and any such ordinance adopted by a vote of the qualified electors of the city voting thereon, cannot be amended or repealed except by an ordinance proposed by petition and adopted by vote of the electors, as hereinbefore provided, or by an ordinance submitted by the Council to a vote of the electors of the city and so adopted as hereinbefore provided, or by an amendment of this charter amending or repealing the same.

THE REFERENDUM.

Sec. 280. The Council shall have power and is hereby authorized to submit to a vote of the qualified electors of the city, at any election for any purpose at which all the qualified voters of the city are entitled to vote, any proposed ordinance, order or resolution, legislative, administrative or executive, that the Council itself might adopt. If a majority of the qualified electors voting on such proposed ordinance, order or resolution, 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 Council, and it shall have the same force and effect as an ordinance adopted under the provisions of this article relating to the referendum.

Submission
of proposi-
tions by
Council.

Sec. 281. No ordinance, legislative, administrative or executive, passed by the Council shall go into effect until the expiration of thirty days from its publication, except an ordinance ordering or otherwise relating to an election or to the levying or collection of the annual city taxes; an ordinance establishing or changing the name of, or curb lines of, or respecting the establishment or change of grade of, or the improvement in any manner of, or the opening, widening, straightening or extension of, streets, boulevards, alleys, courts or other public places, and an ordinance respecting the construction of sewers or storm drains, or respecting the bringing or conduct of suits or actions or the levying or collection of local assessments upon private property for any of said purposes, or respecting the condemnation of lands for parks, boulevards or playgrounds under laws or ordinances providing for the payment of the expense thereof by local assessments upon private property, or any ordinance authorized or required by the laws of this state, or by or under the provisions of this charter, respecting the improvement of streets or other public places; and an ordinance required for the immediate preservation of the public peace, health or safety, which shall contain a specific statement showing its urgency, and is passed by a three-fourths vote of the Council; but all ordinances of any of the classes heretofore excepted by this section shall take effect upon their publication. No grant of any franchise, right or privilege shall ever be construed to be an urgency measure, but all grants of franchises, rights or privileges shall be subject to a referendary vote as hereinafter provided. No ordinance, order or resolution passed by the Council making or authorizing any contract shall go into effect until the expiration of thirty days from the publication of such ordinance, or the adoption of such order or resolution, except contracts for street or other public improvements, the cost and expenses whereof are to be paid by local assessments, and contracts that require the payment by the city of less than twenty-five thousand dollars, and except any ordinance, order or resolution of the Council authorizing the sale or issuance of bonds of the city or of any district therein. Except as hereinbefore

Ordinances,
etc.:
When
effective.

provided, orders and resolutions shall take effect upon their passage.

Referendum
petitions.

Sec. 282. At any time within the thirty days mentioned in the preceding section, a petition addressed to the Council, and signed by qualified electors of said city equal in number to at least ten per cent of such qualified electors, computed upon the basis for estimating percentages specified in Sec. 272 hereof, may be filed with the City Clerk, demanding the submission of any ordinance, order or resolution passed by the Council, to a vote of the qualified electors of said city, except any ordinance, order or resolution which shall take effect upon its publication or passage as provided in the preceding section. Any such petition shall be known as a referendary petition, and shall contain the ordinance, order or resolution in full, the submission of which to a vote is thereby demanded. Such vote shall be known as the referendary vote.

The provisions of this charter, relating to the form and to the mode of signing initiative petitions, and to the filing, examination, certification and amendment of the same, and to the presentation thereof to the Council by the City Clerk, shall apply to referendary petitions filed under the charter.

Examination
and cer-
tification.

If any referendary petition or petitions be filed, as hereinbefore provided, and the City Clerk shall be unable to make his certificate to the sufficiency or insufficiency thereof within thirty days after the publication of the ordinance, or the adoption of the order or resolution, the submission of which to a referendary vote is thereby demanded, such ordinance, order or resolution shall be suspended from taking effect after the expiration of said thirty days and until the date of the certificate of the City Clerk to the sufficiency or insufficiency of such petition or petitions. If by the certificate of the City Clerk such petition or petitions are certified to be sufficient, such ordinance, order or resolution shall not go into effect until it shall be adopted by vote of the electors of the city, as herein-after provided; but if by such certificate, such petition or petitions are certified to be insufficient, such ordinance, order or resolution shall go into effect upon the date of such certificate; provided, however, that no such ordinance, order or resolution shall take effect until the expiration of said thirty days. No referendary petition shall be amended by a supplemental petition filed after the expiration of said thirty days. In case more than one referendary petition be filed in relation to any certain ordinance, order or resolution, all such petitions shall be considered in determining the number of qualified electors, and with the same force and effect as though all the names had been appended to the one petition.

Repeal by
Council or
submission
to electors.

Sec. 283. Upon presentation to the Council by the City Clerk of a referendary petition or petitions, the ordinance, order or resolution, the submission of which to a referendary vote is thereby demanded, must be either repealed by the Council 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 thirty days from the date of the presentation of such referendary petition to the Council by the City Clerk; provided, that if before such general municipal election, any other election for any purpose at which all the qualified voters of the city are entitled to vote shall be held in said city, then such ordinance, order or resolution shall be so submitted at such last named other election, if the Council shall so determine; provided, however, that if any referendary petition or petitions shall be signed by fifteen per cent of the qualified electors of said city computed upon the basis for estimating the percentage of such electors set forth in Sec. 272 of this charter, and asks for the calling of a special election, the Council must, upon the presentation thereof to it, immediately call a special election at which the ordinance, order or resolution contained in such petition shall be submitted to a referendary vote; such election shall be held not less than thirty days from the date of the presentation of such petition to the Council nor more than ninety days from said date; provided, however, that if any other election for any purpose at which all the qualified voters of the city are entitled to vote shall be called and held in said city within said ninety days, then such ordinance shall be submitted either at such last named other election or at the special election above provided for, as the Council shall determine.

If any referendary petition or petitions presented to the Council as aforesaid be certified by the City Clerk to be signed by at least ten per cent but less than fifteen per cent of the qualified electors of the said city, computed upon the basis aforesaid, then, and in that event additional referendary petitions for the submission of such ordinance, order or resolution to a referendary vote may be filed; all such additional referendary petitions shall be in the same form, and be signed, examined, amended, and certified and presented to the Council in like manner as provided in Sec. 273 of this charter; and if it shall appear from the certificate of the City Clerk thereto that such additional referendary petition or petitions are signed by such number of qualified electors of the city, as, when added to the number of qualified electors whose signatures are appended to such referendary petition or petitions examined and certified by the City Clerk, shall equal fifteen per cent of the qualified electors of said city, computed upon the basis aforesaid, and if such additional referendary petition or petitions ask for the calling of a special election, the Council must upon the presentation of such additional referendary petition or petitions to it by the City Clerk immediately call a special election at which such ordinance, order or resolution shall be submitted to a referendary vote; such election shall be held not less than thirty days from the date of the presentation of such additional referendary petition to the Council nor more than ninety days from said date; provided, however, that if any other election for any purpose at which all the qualified voters of the city are entitled to vote shall be called and held

Additional
petitions.

in said city within said ninety days, then such ordinance shall be submitted either at such last named other election or at the special election above provided for, as the Council shall determine.

If, upon the presentation by the City Clerk to the Council of a referendary petition signed by at least ten per cent, but less than fifteen per cent, of the qualified electors of the city, computed as aforesaid, the Council shall have ordered the ordinance set forth in such petition submitted to a vote of the electors of the city at the next general municipal election and said general municipal election will occur more than ninety days from the date of the presentation to the Council of said additional referendary petition or petitions, such action shall be annulled by the presentation to it of additional petitions, which request the calling of a special election, and which, together with such referendary petition, shall be signed by at least fifteen per cent of the qualified electors of the city, and in such event the Council shall submit such ordinance to such vote at an election to be held within ninety days of said date of presentation, as hereinbefore provided.

When referendary proposition to take effect.

Sec. 284. No ordinance, order or resolution 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, order or resolution 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 Council of the result of the election at which it shall have been so submitted; provided, however, that any ordinance, order or resolution so adopted shall be subject to amendment or repeal by the Council at any time, but such amendment or repeal shall not be made within six months after such adoption, except by unanimous vote of the Council, and such amendment or repeal shall be subject to a referendary vote as provided in this article.

Propositions on ballot.

Sec. 285. Whenever any ordinance proposed by initiative petition, or any ordinance, order or resolution for the submission of which to a referendary vote a petition or petitions shall have been filed, is submitted at any election, there shall be printed on the ballots to be used at such election the words, "shall the ordinance (or order, or resolution, or proposed ordinance, as the case may be, stating the nature of the ordinance, order or resolution, or of the proposed ordinance) be adopted?" And opposite such proposition to be voted on, 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", his vote shall be counted in favor of the adoption of the ordinance, order or resolution, or the proposed 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.

Sec. 286. Any number of ordinances proposed by initiative petitions, or ordinances, orders or resolutions submitted by the Council to a referendary vote, or so submitted in pursuance of referendary petitions, may be voted upon at the same election, either general or special; provided, that there shall not be held in 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 any election be called for any other purpose within such period, such ordinance or ordinances may also be submitted thereat. If the provisions of two or more ordinances, orders or resolutions adopted at the same election by vote of the qualified electors of said city, under the provisions of this article, conflict, then the ordinance, order or resolution receiving the highest affirmative vote shall prevail.

Number submitted.

Frequency of elections.

Conflicting provisions.

Sec. 287. The Council, at its own instance, or upon the presentation to it of an initiative petition, may submit any proposed ordinance, order or resolution, for the repeal of any ordinance, order or resolution, adopted or approved by vote of the qualified electors of the city, in pursuance of an initiative or referendary petition, as in this article provided, or for the amendment of such ordinance, order or resolution, to be voted upon at any succeeding election held in said city, for any purpose at which all the qualified voters of the city are entitled to vote, and in the event that such proposed ordinance, order or resolution so submitted by the Council receive a majority of the votes cast thereon at such election, the ordinance, order or resolution to which such ordinance, order or resolution so adopted is amendatory, or that is to be repealed thereby, shall be amended or repealed accordingly.

Repeal or amendment of initiative or referendary proposition.

Sec. 288. Whenever any ordinance, order, resolution or proposition is required by this article to be submitted to the electors of the city at any election, the City Clerk shall cause the same 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.

Printing and mailing.

Sec. 289. The provisions and requirements of Sec. 275 of this charter relative to the preparation, printing and distribution of arguments for or against any ordinance proposed by initiative petition shall apply, and be effective, in the case of the submission to vote of the electors in pursuance of a referendary petition, of any ordinance, order or resolution.

Printed arguments.

THE RECALL.

Sec. 290. Any incumbent of an elective office, whether elected by vote of the people or appointed to fill a vacancy, may be removed from office by the qualified electors of the City of Los Angeles, as hereinafter provided. Such removal of the incumbent of an office shall be known as the recall, and the procedure to effect the removal of an incumbent of an elective office shall be as hereinafter provided.

Recall of elective officers.

Petitions.

(a) A petition signed by qualified electors equal in number to at least twenty per cent of the entire vote cast for all candidates for the office, the incumbent of which is sought to be removed, at the last preceding general municipal election, or primary nominating election, at which an incumbent of such office was elected, demanding the submission to the electors of the city of the question whether the incumbent of such office shall be removed by vote of such electors, and if so removed, the election of a successor of such incumbent, shall be addressed to the Council and filed with the City Clerk. If said petition demands the submission of the question of the removal of a member of the Board of Education or of a member of the Council elected at large, said twenty per cent shall be computed in the case of the recall of a member of the Board of Education, upon the total number of votes cast for all candidates for the Board of Education at the last general election at which members of the Board of Education were elected, divided by the number of members of the Board of Education elected at said election; and in the case of the recall of a member of the Council, elected at large, upon the total number of votes cast for all candidates for the Council at the last general election at which members of the Council were elected, divided by the number of members of the Council elected at said election. In case councilmen shall be elected by districts, instead of at large, the twenty per cent above provided for shall be computed upon said total number of votes cast within the district from which the councilman, for whose recall the petition asks, was elected, and only the signatures of registered voters living within said district shall be counted in computing said twenty per cent. At any such recall election of a councilman elected from a district, only voters within the district shall be entitled to vote. Such petition shall contain a general statement of the grounds for which such removal is sought, of not more than three hundred words in length, and the sufficiency of such statement shall not be subject to review; provided, however, that no petition for the removal of any elective officer shall be so filed until he has actually held his office for three months.

Statement
of grounds
for recall.

Initiative
provisions
applicable.

(b) The provisions of this article relating to the form and to the mode of signing initiative petitions, and to the filing, examination, certification and amendment thereof, and to the presentation of the same to the Council, shall apply to any petition filed with the City Clerk under this section, which petition shall be designated as a recall petition. The sufficiency or insufficiency of any recall petition shall not be subject to review by the Council.

Election
to be
held.

(c) Upon the presentation of such recall petition to the Council by the City Clerk, the Council shall thereupon, by ordinance, order the holding of a special election for the purpose of submitting to the electors of the city at large or in the district as the case may be, the question whether such officer shall be recalled, and if recalled, for the election of his

successor. Such special election shall be held not less than fifty days nor more than sixty days after the date of the certificate of the City Clerk to the sufficiency of such recall petition; provided, however, that if any other election for any purpose at which all the qualified voters of the city are entitled to vote, is to occur within sixty days after the date of such certificate, the Council may, in its discretion, order the holding of such recall election, and the consolidation thereof with such other election, occurring not more than sixty days after the date of said certificate of the City Clerk.

Sec. 291. The ballots used at every recall election shall have Ballots. printed thereon, as to every officer whose recall is to be voted on thereat, the following question:

“Shall (inserting the name of the officer sought to be Question. removed) be removed from the office of (inserting the name of his office) by the recall?”

And opposite such question to be voted on, 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”, his vote shall be counted in favor of the recall of such officer, and if he shall stamp a cross (X) in the voting square after the word “No”, his vote shall be counted against such recall.

On such ballots, under each question, there shall also be Candidates. printed the names of all persons who have been nominated as candidates to succeed the person whose removal is sought, in case he shall be removed from office by vote of the electors. The nomination of such candidates shall be made as hereinafter provided, except that the person whose removal is sought shall be deemed a candidate, and unless, within five days after the date of the City Clerk’s certificate to the petition, he resigns his office, or declines, in writing duly signed and verified by him, and filed with the City Clerk, to be a candidate, his name shall be printed on the ballot the same as if he had been regularly nominated in accordance with the provisions of this article.

Sec. 292. Any incumbent of an office whose removal is sought under the provisions of this article, may file with the City Clerk, at least twenty days prior to such recall election, printed copies of a statement of not more than two thousand words in length, justifying his course in office; and the person filing such recall petition, or the person or organization on whose behalf a recall petition was filed, shall have the right to present to the City Clerk, within the same limit of time, printed copies of a statement in support of such recall of not exceeding two thousand words in length. Any statement filed under this section shall be printed in such form and upon such character of paper suitable for mailing as the City Clerk shall prescribe. The City Clerk shall enclose one copy of any such statement so filed with him with the sample ballot mailed to each voter, provided he has been furnished with printed copies of such statement equal to five per cent in excess of the total number of qualified electors of the city. Statements for and against incumbent.

When
office to
become
vacant.

Sec. 293. Any elective officer for whose recall and removal from office an election is held, shall continue to perform the duties of his office until such time as the Council having canvassed the vote at such recall election, shall declare that a majority of the electors voting on the question as to whether such person shall be recalled and removed from office, have voted in favor of his recall and removal from office. But if such person shall resign at any time after the date of the certificate of the City Clerk certifying that the petition for his recall is sufficient and prior to the declaration of the result of such election thereby creating a vacancy in such office, or a vacancy occurs therein during such time from any cause, such vacancy may be filled in the same manner as other vacancies occurring in such office, but in that event the person appointed to fill such vacancy shall hold his office only until the person declared by the Council to have been elected at the recall election shall qualify. Proceedings for the recall of any elective officer shall be deemed to be pending from the date of the certificate of the City Clerk certifying that the recall petition is sufficient, and if he shall resign at any time subsequent thereto the recall election shall be held notwithstanding such resignation.

Result of
election.

In the event that a majority of the electors voting on the question as to whether the person shall be recalled and removed from office shall vote in favor of the removal of such person from office by the recall, the person for whose removal from office such majority has voted shall be deemed to be and shall be recalled and removed from office upon the declaration of the result of such election by the Council, except as hereinafter next provided, and the candidate receiving at said election the highest number of votes for that office shall be thereby elected. If the incumbent receive the highest number of votes, he shall continue in office, but if some person other than the incumbent receive the highest number of votes at such election, he shall become the successor of the incumbent so removed and shall hold office only during the unexpired term of such officer.

Appoint-
ment of
recalled
officer.

Sec. 294. No person who has been removed from an elective office by the recall, or who has resigned from such office while recall proceedings for his removal were pending against him, shall be appointed to any office under this charter within two years after such removal or resignation.

Nominating
petitions.

Sec. 295. Any candidate to be voted for at a recall election, other than the incumbent sought to be removed, may be nominated by petition, which petition shall conform to the provisions of this charter so far as applicable relating to nominating petitions at primary nominating elections. Each petition must be presented to the City Clerk not less than twenty-five days before such recall election. Immediately upon the presentation of any such petition the City Clerk shall ascertain and determine, in the manner hereinbefore provided as to initiative petitions, whether or not such petition is signed

by the requisite number of qualified electors of the city. If requested by the City Clerk, the Council shall allow him additional assistants for that purpose, as in other cases, and he shall, within five days after the presentation thereof, attach his certificate to such petitions, showing the result of his examination. If it shall appear therefrom that any such petition is not signed by the requisite number of qualified electors, the same may be amended within three days from the date of such certificate, by presenting a supplemental petition. The Clerk shall, within five days after such supplemental petition is filed, make like examination thereof and shall certify the result of his examination thereof; but no further supplemental petition shall be allowed. If any such petition, as amended by a supplemental petition, be signed by the requisite number of qualified electors, both the petition and supplemental petition being considered together for that purpose, the person therein named shall be deemed to be nominated as a candidate to be voted for at such recall election.

Supplemental petitions.

Sec. 296. The provisions of Sections 322, 323 and 324 of this charter, shall be applicable to recall elections held under this article.

Provisions applicable.

Sec. 297. The incumbent of any appointive office provided for in this charter, or created by ordinance under the authority thereof, may be removed at any time after the expiration of three months from his appointment, by the qualified electors of the city. The procedure to effect the removal of the incumbent of an appointive office shall be the same as that hereinbefore provided for the removal of the incumbent of an elective office by the recall, with the following exceptions:

Removal of appointive officers.

(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 cent of the entire vote cast for the office of Mayor at the last preceding general municipal election, or primary nominating 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 the vote of such electors.

Petitions.

(b) The ballots used at the election at which such question shall be submitted shall have printed thereon, as to every appointive officer whose removal is to be voted on thereat, the following question:

Ballots.

“Shall (inserting the name of officer sought to be removed) be removed from the office of (inserting name of his office)?”

And opposite such question to be voted on, 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”, his vote shall be counted in favor of the removal of such officer, and if he shall stamp a cross (X) in the voting square after the word “No”, his vote shall be counted against such removal.

Result of
election.

(c) If a majority of the electors voting on such question shall vote in favor of the removal of such appointive officer, he shall be deemed to be and shall be removed from office upon the declaration of the result of such election by the Council, and such office shall thereupon be and become vacant. Such vacancy shall be filled by the appointing power in the same manner as other vacancies, but any appointive officer so removed shall not be eligible to any appointive or elective office under the charter until the expiration of two years after such removal.

Effect of
resignation
or removal.

Sec. 298. In the event that any appointive officer whose removal is sought, as herein provided, shall resign at any time after the filing of a petition for his removal with the City Clerk, or any vacancy from any cause occur in such office, at any time prior to two days before such election, such election shall not be held; but the incumbent, if he shall have so resigned after the presentation to the Council by the City Clerk of such petition, or have been removed by any other process of law, shall not be eligible to any appointive or elective office under this charter until the expiration of two years from the date of such resignation or removal last mentioned.

In the event that the City Clerk is the officer whose removal is sought by the recall as herein provided, all duties by this article prescribed for the City Clerk, shall be performed by the City Attorney, and not by the City Clerk.

Additional
method.

Sec. 299. The procedure herein provided for the removal of any appointive officer shall be in addition to any other process for removal provided by law.

GENERAL PROVISIONS RELATING TO ELECTIONS.

Special
elections.

Sec. 301. Except as in this charter otherwise provided, every special election ordered, held and conducted shall be ordered, held and conducted (except as to the date thereof) and the result thereof made known and declared in the same manner as herein provided for other elections.

Consolidation
of
elections.

Sec. 302. The Council may consolidate special elections with each other or with any municipal, county or state election. When any elections shall have been consolidated as herein provided, they shall be held, conducted, the returns thereof canvassed and the result thereof declared in all particulars the same as one election.

Ordinances
calling
elections.

Sec. 303. The Council shall by ordinance order the holding of all elections. Every such ordinance shall specify the object and time of holding any such election, and shall establish the election precincts, designate the polling places therefor and name the officers of election for each precinct, who must be residents thereof, to conduct the holding of and make returns of such election; provided, that when two or more municipal elections are consolidated by the Council, it shall not be necessary to set forth the precincts, polling places and officers of election in more than one of the ordinances calling the election, and in the case a municipal election is consoli-

dated with a state or county election it shall not be necessary to set forth the precincts, polling places and officers of election, but reference may be made to the notice, resolution or ordinance of the Board of Supervisors of Los Angeles County calling such election and fixing precincts, officers of election and polling places. Unless otherwise designated in the ordinance adopted by the Council calling an election, the voting precincts of such election shall be the precincts provided by law for the holding of state and county elections in said city. The Council may, in ordering the holding of any election, consolidate the voting precincts into consolidated precincts to a number not exceeding three for each such consolidated precinct and shall number such consolidated precincts consecutively, and each consolidated precinct so established shall for the purposes of such election, be known by the number so designated. In ordering the holding of any special election the Council may reduce the number of officers of election for each precinct, or consolidated precinct, to one judge, one inspector and two clerks. The manner of the selection and appointment of officers of election shall be determined by the Council. All ordinances ordering the holding or consolidation of elections shall be published in some daily newspaper printed and published in said city for at least five days prior to the time appointed for the holding of said election.

Sec. 304. The City Clerk shall provide for every election, ballots for each election precinct or consolidated election precinct established therefor, equal to ten per cent in excess of the total number of electors registered in each such election precinct or consolidated election precinct. And upon the day of any election, immediately upon the arrival of the hour when the polls are required by law to be closed, the City Clerk shall openly, in his main office, and in the presence of as many persons as may then and there assemble to witness his act, proceed to destroy every unused ballot which shall have remained in his possession, custody or control, and forthwith make and file in his office his affidavit, in writing, as to the number of ballots so destroyed.

Sec. 305. The returns of every election shall be delivered to the City Clerk, who shall deliver the same to the Council when it is in session for the purpose of canvassing the returns thereof. The Council shall, within ten days after any election either at a regular or special meeting, canvass the returns and declare the result thereof, and order certificates of nomination, in the case of primary nominating elections, issued to the persons nominated thereat, and certificates of election to the persons elected at general municipal elections or at primary nominating elections. The Council shall be the judge of the qualifications of all of the elective officers. Provided, that when any municipal election is consolidated with any state or county election, the ballots used may be the ballots used at such state or county election, or may be separate ballots, or the voting may be in such manner as may be authorized by

law, and the Board of Supervisors of Los Angeles County shall canvass the returns and shall certify the result of such canvass of all municipal questions submitted at such election, to the Council, who shall thereupon declare the result thereof, and any act in relation to the conduct of such election, required by this charter to be performed by an officer or employee of the city, shall be performed by the proper officer or employee of the county.

Additional employees.

Whenever requested by the City Clerk, the Council shall authorize him to employ such persons in addition to the persons regularly employed in his office, as may be necessary to assist him in the performance of any duty imposed upon him by the charter or by the Council in connection with the conduct of any election, and the provisions of the charter respecting the classified Civil Service of the city shall not apply to the persons so specially employed.

State laws applicable.

Sec. 306. All elections shall, except as in this charter otherwise provided, be conducted and held in accordance with the provisions of the laws of the state for the holding of general or special elections in effect at the time.

Qualifications of candidates.

Sec. 307. No person shall be eligible to nomination or election to any office under this charter who at the time of his nomination or election is not a qualified elector of this city, and to be eligible to nomination or election to the office of member of the Council, the person nominated or elected must have been a resident of the city for at least two years next preceding his nomination or election.

Qualifications of electors.

Sec. 308. Any person in order to be entitled to vote at any of the elections held under this charter must be registered in the manner and have the qualifications required by the general laws of this state respecting the registration and qualification of voters for state and county elections.

Registers.

Sec. 309. The registers used at any election held in pursuance of this charter shall be as provided by law for state or county elections. It shall be the duty of the Registrar of Voters or other officer of the County of Los Angeles to furnish such registers, with proper indices thereto, to the City Clerk of said city at least five days before the holding of such municipal election, unless such election is consolidated with a state or county election.

Candidates for unexpired terms.

Sec. 310. Any candidate to serve for the remainder of an unexpired term of any office, unless candidates therefor shall have been nominated at a primary nominating election, may be nominated by petition, which shall be substantially in the form prescribed in sections 317 and 318 of this charter. Each such petition must be presented to the City Clerk not less than twenty-five (25) days before the general municipal election at which the person to serve for such unexpired term shall be elected, and shall be examined, certified, amended and filed and treated in all respects the same as petitions for the nomination of candidates to be voted for at a recall election.

Sec. 311. The Council may, by ordinance, provide that any elector of the city may file a petition asking for a recount of any specified precinct or precincts, within ten days after a municipal election, as follows: Recount of votes cast.

(1) In said ordinance the Council shall fix the fee to be charged for each precinct for which a recount is asked.

(2) The petition asking for said recount shall be accompanied by a cash sum of money equal to the total amount of the fees to be charged for all the precincts for which a recount is asked.

(3) The recount shall be made by the City Clerk in a public place, with reasonable provisions for attendance by the petitioner, by any or all candidates voted for at the election or their representatives, the newspaper and the public. If possible, the City Clerk shall complete such recount of specified precincts prior to the last day fixed by law for the filing of a petition asking for a recount of the entire city or district as above referred to.

(4) Such recount shall be for the purpose only of rechecking the count in the specified precincts and the result of an election shall not be changed by said recount, but the result of an election shall only be changed by a recount for that purpose as elsewhere provided.

(5) It shall be the duty of the City Clerk, at least three months prior to each biennial election, to recommend to the City Council the fee to be charged for each precinct as above set forth, and also the amount of the bond to be required of any elector demanding a complete recount as provided in Sec. 335 and it shall be the duty of the Council prior to such election to fix a fee and amount of bond to cover said items.

PRIMARY NOMINATING ELECTIONS.

Sec. 315. Candidates to be voted for at any general municipal election shall be nominated at a primary nominating election. No person shall be eligible to nomination for an elective office who is not a qualified elector of the City of Los Angeles at the time of such nomination; and no names shall be printed upon the ballot for such general election other than those selected in the manner in this article prescribed. Primary elections.

Sec. 316. A primary nominating election shall be held on the first Tuesday in May, 1925, 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 nomi- Date. Officers. Supplies.

Expenses.

nating 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.

Form of petition for nomination.

Sec. 317. The name of no candidate for nomination shall be printed upon the primary nomination ballot unless a petition for nomination shall have been filed in his behalf, as provided herein, in substantially the following form:

We, the undersigned, qualified electors of the city of Los Angeles, County of Los Angeles, State of California, do hereby petition that the following named person or persons shall be a candidate or candidates for the office or offices hereinafter specified, to be voted for at the primary nominating election to be held for the nomination of candidates for offices of said city at the next general municipal election, for (name the office or offices to be filled).

Name of Candidate.	Office.	Address.
-----	-----	-----
-----	-----	-----
-----	-----	-----
Name of Petitioner.	Address.	
-----	-----	
-----	-----	

State of California, County of Los Angeles—ss.

I, -----, do hereby, certify that I am a qualified elector of the City of Los Angeles, that I reside at No. ----- Street, in the City of Los Angeles, County of Los Angeles, State of California, and that the signatures on this sheet were signed in my presence and are genuine, and that to the best of my knowledge and belief the persons so signing were at the time of so signing, qualified electors of said city and that their respective residences are correctly stated as above set forth.

Subscribed and sworn to before me this ----- day of ----- A. D. -----

Heading.

Sec. 318. Such petition shall consist of sheets of uniform size, to be furnished by the City Clerk, and said petition and each separate sheet thereof shall be preceded by a heading in large, clear letters or type giving name of petition, or for what office, and name of candidate nominated, in substantially the following form:

Petition for nomination of A. B. for City Attorney and C. D. for City Controller, etc., etc.

Signatures.

Such petition shall be signed by qualified electors of the City of Los Angeles in their own proper persons only, and opposite the signature of each signer, his residence address

shall be written by him, or if he is unable to write, by some one under his direction, giving the street and number when such designation by street and number can be given. At the bottom of each sheet of such petition shall be added a statement, signed by a qualified elector of the city, stating his residence address with street and number when such designation by street and number can be given, certifying that the signatures on that sheet of said petition were signed in his presence and are genuine, and that to the best of his knowledge and belief the persons so signing were at the time of signing said petition qualified electors of said city. Such statement shall be sworn to before some officer authorized to administer oaths. Such sheets before being filed, shall be fastened together, in book form, by placing the sheets in a pile, and fastening them together at one edge in a secure and suitable manner, and then the sheets shall be numbered consecutively. The sheets shall not be fastened by pasting them together end to end, so as to form a continuous strip or roll.

Statement.

Sec. 319. No petition for nominations shall be presented to the City Clerk which shall contain blanks for more than one thousand signatures, nor to which are appended the signatures of more than one thousand petitioners, and no such petition shall be held sufficient unless signed by at least five hundred qualified electors of the city. No petition for nomination shall contain the names of more than one candidate for each office. No elector may sign more than one petition for a candidate for the same office.

Number of signatures.

Sec. 320. Said petition shall be presented to the City Clerk not more than sixty days and not less than forty days prior to the primary nominating election, and the said Clerk shall endorse thereon the date of such presentation. A fee of ten dollars shall be paid to the City Clerk upon the presentation to him of said petition. The City Clerk shall immediately pay into the city treasury all such fees. The said City Clerk shall immediately, upon the presentation to him of a petition, ascertain and determine whether or not the petition is signed by the requisite number of qualified electors. If requested by him the Council shall allow the Clerk extra assistants in this work, and the provisions of this charter respecting the classified civil service of the city shall not apply to the persons so employed. The Clerk shall, within five days after the presentation of such petition to him, attach his certificate thereto showing the result of his examination.

Time for filing.

Fee.

Examination of petitions.

Sec. 321. If, by the City Clerk's certificate, it shall appear that the petition has not been signed by the requisite number of qualified electors, it may be amended within five days from the date of said certificate by the further addition of names. The said Clerk shall, within five days after such amendment, make like examination of the amended petition and shall certify as to the result of his examination, but no further amendment shall be allowed.

Amendment of petitions.

Petitions
to be filed.

Sec. 322. If either the original or amended petition shall be found to be sufficiently signed as herein provided, the same shall be filed by the Clerk. Said petition, when filed, shall not be withdrawn or added to, and no signature shall be withdrawn therefrom after presentation to the Clerk.

Withdrawal
of nomina-
tions.

Sec. 323. Within five days after the expiration of the time for the filing of petitions for nominations, any person for the nomination of whom a petition has been filed as hereinbefore provided, may 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 to be used at the primary nominating election. If upon such withdrawal, or by the death or other disqualifications of any person for the nomination of whom a petition has been filed, the number of candidates remaining does not exceed the number of persons to be elected to any office, then other nominations may be made by filing petitions therefor not later than twenty days prior to such election, but no amendment to any such petition shall be allowed.

Certification
and pub-
lication of
nominees.

Sec. 324. The City Clerk shall enter the names of all persons for the nomination of whom as candidates petitions have been filed as hereinbefore provided, except candidates who have withdrawn or died, or are otherwise disqualified, and shall, not later than ten days prior to the primary nominating election, certify such list as the list of names of candidates to be voted for at such primary nominating election. The City Clerk shall cause said list of names and the offices for which the several candidates were respectively nominated, together with his certificate thereof, to be published for at least five consecutive days prior to the primary nominating election in five daily newspapers printed and published in the city.

Ballots.

Sec. 325. The City Clerk shall cause the ballots to be printed, and, except when voting machines are used, numbered and bound, which ballots shall contain the list of names of candidates and respective offices as published, with the following caption:

PRIMARY NOMINATING ELECTION.

City of Los Angeles (inserting date thereof).

"To vote, stamp a cross opposite the name of the candidate voted for, except that when name of candidate is written in by voter the cross need not be made."

The names of the officers to be filled shall be arranged on the ballots in the order the officers of the city to be elected are named in Sec. 6 of this charter.

Arrangement
of names.

Sec. 326. The names of the candidates for each office shall be arranged on the ballot for the primary nominating election in alphabetical order. There shall be nothing on any ballot indicative of the party affiliation, source of candidacy or support of any candidate. Any candidate to serve for the remainder of an unexpired term shall be designated in the

petition and on the ballot as a candidate to fill an unexpired term.

Sec. 327. Each ballot shall contain blank spaces underneath the printed names for each office, wherein the voter may write the name of any candidate whose name is not printed on the ballot, and for whom he may wish to vote, and in such case a cross need not be stamped opposite such written name.

Blank spaces.

Sec. 328. In the event that any candidate for nomination to any office for which only one person is to be elected shall receive a majority of the votes cast for all the candidates for nomination to such office at such primary nominating election, the candidate so receiving such majority of votes shall be deemed to be and declared by the Council to be elected to such office; provided, that in the case of candidates for the offices of member of the Council and member of the Board of Education elected at large, the candidates therefor equal to or less than the number of such offices, for which nominations are to be made who receive the votes of more than one-half of the qualified electors voting at such election, shall be deemed to be and declared by the Council to be elected to such office or offices. Except as in this section provided, the result of such primary nominating election shall be as provided in Sec. 329 of this charter.

Which candidates to be declared elected.

Sec. 329. 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, the candidates therefor, equaling in number twice the number of such offices, who receive 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 ballot to be used at such general election.

Candidates at general city election.

After the expiration of the time within which nominations may be contested, as hereinafter provided, the Council shall cause certificates of nominations to be issued by the City Clerk to such candidates as shall have received the required number of votes and shall have been nominated at the primary nominating election; provided, however, that such certificate shall not be issued when there is a contest as to any candidate, as hereinafter provided, until after such contest shall be determined.

Sec. 330. The ballot at any 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.

Ballot at general election.

Sec. 331. Any person entitled to vote at any election held in the City of Los Angeles 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

Time off for voting.

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.

Application
to recall
elections.

Sec. 332. Nothing contained in any of the foregoing sections, 315 to 331, both inclusive, shall be deemed to apply to any election held under the sections of this article relating to the recall and removal of elective officers, except as therein expressly provided.

Disqualifica-
tion of
candidate.

Sec. 333. In the event of the death, resignation or other disqualification of any candidate nominated at a primary nominating election for any office, such resignation being duly sworn to and filed with the City Clerk, the person who received the highest vote of those who were candidates for such office, other than the candidates who were nominated therefor at the primary nominating election, shall be deemed a candidate and, if practicable, his name shall be printed upon the ballot to be used at the general municipal election, with the same force and effect as if such person had been nominated therefor as hereinbefore provided.

Tie vote.

Sec. 334. Whenever it shall appear upon the canvass of the returns of any primary nominating election that two or more persons have received an equal number of votes as candidates for any office at such election, so that the result of such election does not determine which of such persons are entitled to be nominated as candidates for such office, the City Clerk shall forthwith, upon the declaration by the Council of the result of such election, notify in writing all persons so receiving an equal number of votes, to appear before the Council in the Council Chamber at its next regular meeting that shall occur after the expiration of five days after the result of such election shall have been declared, and at an hour to be specified in such notice, and then and there to draw lots to determine which of said persons shall be the candidate or candidates for such office. At the time and place specified in such notice, such persons shall appear before the Council and shall then and there, in open session thereof, draw lots to determine which of said persons shall be such candidate or candidates. Such lots shall be drawn in such manner as the Council shall prescribe and the person or persons upon whom the choice made by such drawing of lots shall fall, shall be declared to be and shall be the candidate or candidates. If any such person does not appear, as above prescribed, the City Clerk shall act for such person in such drawing of lots; provided, however, that if any demand for a recount of the ballots cast at such primary nominating election be made as hereinafter provided, by or on behalf of any such person, such drawing of lots shall not be had until and unless such recount shall also result in a tie vote having the effect hereinbefore stated.

Nothing in this section contained shall be construed to prevent any elector of the city from demanding and obtaining a

recount of the ballots cast at such primary nominating election as hereinafter provided.

Sec. 335. Any elector of the city may contest the right of any person declared nominated as a candidate for any office to be such candidate, upon the ground that such person did not receive the requisite number of votes at the primary nominating election. When an elector contests the right of any person declared nominated as a candidate for any office to be a candidate therefor, he must, within five days after the result of the primary nominating election shall have been declared by the Council, file with the City Clerk a written petition setting forth specifically the following:

(1) The name of the person contesting such nomination, and that he is an elector of the city;

(2) The name of the person whose right to be a candidate for an office, stating the office, is contested;

(3) A statement of particulars wherein the person, whose right to be a candidate is contested, did not receive the requisite number of votes at the primary nominating election; or, of such errors in the counting of ballots, as, if corrected, would give a different result;

(4) A demand for a recount of the ballots cast at such election.

Such petition must be signed by, and be verified by the affidavit of, the person filing such petition, and such affidavit must state that the statements made in the petition are true of his own knowledge, except as to the matters which are therein stated on his information or belief, and that as to those matters he believes them to be true. Any such petition shall be accompanied by a bond in the penal sum of Five Hundred Dollars (\$500), or such additional amount as may be fixed by the Council prior to the holding of any biennial election, in favor of the City of Los Angeles, executed by the petitioner and by two sureties satisfactory to the Council, conditional for the payment by the petitioner to the City of Los Angeles of the costs and expenses of such recount of ballots in case such contest does not change the result of such election.

The City Clerk shall present said petition to the Council at its next regular meeting after the filing thereof, and the Council shall thereupon order a recount of the ballots cast at such election. Such recount shall be conducted by the Mayor, City Attorney and City Clerk, who shall for that purpose constitute a board of contested primary nominating elections; provided, however, that if any of said officers are interested parties to said contest, the Council shall designate a disinterested elector to act upon such board in the place of such officer. Such board shall be authorized by the Council to employ such persons as may be necessary to assist it in conducting such recount, which shall be public, and conducted with due diligence to completion. Upon the completion thereof, such board shall make a report in writing of the result thereof to the Council, which shall thereupon declare the same; and if any person or persons

other than the person or persons theretofore declared nominated, are found upon such recount to be entitled to such nomination, the Council shall so declare and direct that the proper certificate of nomination be issued to such person or persons. Nothing in this section contained shall be construed to prevent any person from contesting any nomination by such judicial proceedings as may be otherwise authorized by law.

In case the result of such primary nominating election is changed by such contest, the expense of such recount shall be paid by the city.

Contest of undetermined nomination.

Sec. 336. The provisions of Sec. 335 shall be applicable to any case where it appears from the canvass of the returns of any primary nominating election that two or more persons have received an equal number of votes as candidates for any office at such election, so that the result of such election does not determine which of such persons are entitled to be nominated as candidates for such office. Any elector of the city may, in the event of any such tie vote, obtain a recount of the ballots cast at such primary nominating election by filing a petition demanding such recount, setting forth specifically the following:

Petition.

(1) The name of the person demanding such recount, and that he is an elector of the city.

(2) The names of the persons who received an equal number of votes, stating the office.

(3) A statement of particulars of such errors in the counting of ballots, as, if corrected, will give a different result.

(4) A demand for a recount of the ballots cast at such election.

Recount.

Such petition shall be signed, verified and filed as in said Sec. 335, provided. The proceedings for such recount shall be conducted and the result thereof determined in the same manner and with the same force and effect as in said section provided, and the provisions thereof shall control in all matters pertaining to such proceedings so far as they may be applicable thereto.

Substantial compliance.

Sec. 337. A substantial compliance with the provisions of this Article shall be sufficient for the holding of any election hereunder, and for the approval or rejection of any ordinance, order or resolution submitted to a vote of the electors of the city.

ARTICLE XXVIII.

FINANCE.

Fiscal year.

Sec. 341. The fiscal year of the city shall begin on the first day of July of each year and shall end on the thirtieth day of June of the following year.

Assessment and collection of taxes.

Sec. 342. Until otherwise provided by ordinance the city shall continue to use, for purposes of municipal taxation, the county system of assessment and tax collection. Should the city resume the work of assessment and tax collection, in that case the mode and manner of assessing property for pur-

poses of municipal taxation and the levying and collecting of taxes for municipal purposes, the nature of the lien therefor and the manner and method of enforcing the same, and of the redemption of property sold for non-payment of taxes, and all proceedings relating to said matters shall be fixed by ordinance and so far as applicable shall be substantially the same as may be provided at the time by law for such matters in relation to county taxes in the County of Los Angeles, except that in relation to the city taxes, the proper officers of the city shall discharge the duties imposed by law upon the corresponding officers of said county. The Council may enact such ordinances as may be necessary to carry out the provisions of this section and may by ordinance fix the time, or times, of the collection of said taxes within each fiscal year.

GENERAL BUDGET.

Sec. 343. At such time as the Mayor may prescribe but not later than the first day of May of each year, each board or officer at the head of any department or branch of the city government other than those departments given control of their own funds, shall submit to the Mayor with duplicates to the City Council and to the Director of the Bureau of Budget and Efficiency, on forms and in the manner prescribed by the Mayor, or by ordinance, if forms are prescribed by ordinance, a detailed estimate of the money required for the next ensuing fiscal year for the proper conduct of the departments and offices under their respective control. The classification of these estimates shall be as nearly uniform as possible and shall exhibit clearly the functions performed by each department, bureau, or office, and the objects and services which it is estimated will be required to carry on the several functions. With the estimates shall be submitted such summaries, schedules and supporting data as may be prescribed by the Mayor or by ordinance, if forms are prescribed by ordinance. Any department head, whose estimate provides for increases over the appropriation of the previous year for his office or department, shall indicate, under appropriate classifications, the relative order of the immediate importance of such increases. After consultation with the head of a department, the Mayor may refer the estimate of such head of department back to said head of department with instructions to prepare a revised estimate on the basis of a maximum sum for the department, such maximum sum to be fixed by the Mayor, or with such further qualification as the Mayor shall determine. Said head of department shall present such revised estimate to the Mayor, with a duplicate to the Council and to the Director of the Bureau of Budget and Efficiency at a date fixed by the Mayor.

On or before the first day of May of each year the controller shall submit to the Mayor, with a duplicate to the Council and to the Director of the Bureau of Budget and Efficiency a detailed statement of the money which he estimates will be required for the interest and sinking funds and for all out-

Annual
estimates
of expenditures.

Controller's
estimates.

standing bonded indebtedness and other lawful obligations of the city or of special districts therein; also an estimate of the revenue to be derived from fines, licenses and other sources, exclusive of taxes upon property.

General
budget.

Sec. 344. On or before the first day of June of each year the Mayor shall recommend and submit to the Council a budget for the next ensuing fiscal year. Such proposed budget shall set forth in summary and in detail:

(1) Estimates of the expenditures and appropriations necessary in his judgment for the support of the city government for the ensuing fiscal year, including interest and sinking funds or payments of principal on the bonded indebtedness of the city and of special districts therein.

(2) His detailed estimates of the receipts of the city government during the ensuing fiscal year, under (1) laws existing at the time the budget is transmitted and also (2) under the revenue proposals, if any, contained in the budget;

(3) The expenditures and receipts of the city government during the last completed fiscal year;

(4) Estimates of the expenditures and receipts of the city government during the fiscal year in progress;

(5) The amount of annual, permanent, or other appropriations, including balances of appropriations for prior fiscal years, available for expenditure during the fiscal year in progress, as of June 30th of such year;

(6) Balanced statements of (1) the condition of the Treasury at the end of the last completed fiscal year, (2) the estimated condition of the Treasury at the end of the fiscal year in progress, and (3) the estimated condition of the Treasury at the end of ensuing fiscal year in case the financial proposals contained in the budget are adopted;

(7) All essential facts regarding the bonded and other indebtedness of the city government; and

(8) Such other financial statements and data as in his opinion are necessary or desirable in order to make known in all practical detail the financial condition of the city government.

(9) Such budget shall contain an item to be known as the "unappropriated balance," which sum shall be available for appropriation later in the ensuing fiscal year to meet contingencies as they may arise. Said budget shall contain an item to be known as the "reserve fund," which shall be carried over to the next ensuing fiscal year following the fiscal year for which the budget is prepared, to meet the cash requirements of the city for the portion of said next ensuing fiscal year prior to the receipt of taxes thereon, or for appropriations to the unappropriated balance fund as hereinafter provided.

Printing of
budgets.

Sec. 345. Such budget shall be in printed form, with a reasonable number of copies for public distribution. The figures for the different years required shall be set up in comparable parallel columns. Such budget shall not cover the operations either as to receipts or expenditures, of the depart-

ments of the city government given control of their own special funds, as elsewhere in this charter provided; namely, the Harbor, Library, Park, Playground and Recreation, and Water and Power Departments, but shall be accompanied by printed copies of the proposed departmental budgets, elsewhere in this charter provided for, of said last named departments, said last named departmental budgets being thus presented for the information of the Council and the public.

Independent departmental budgets.

Sec. 346. In his preparation of the budget the Mayor shall call upon the heads of all departments for assistance. In particular he shall call upon the Bureau of Budget and Efficiency for clerical, technical, and advisory assistance.

Assistance in preparing budget.

Sec. 347. The Council shall immediately proceed to the consideration of the budget submitted by the Mayor, and, by a vote of a majority of its members, may increase, decrease or omit any item or insert new items therein. Before adopting the budget, the Council shall fix the time and place for holding a public hearing upon the proposed budget and shall give public notice of such hearing.

Consideration of budget by Council.

Sec. 348. On or before the 20th day of June the Council, by majority vote, shall by resolution adopt the budget as proposed by the Mayor or as modified by the Council.

Adoption of budget.

Sec. 349. The budget as adopted by the Council shall forthwith be transmitted by the City Clerk to the Mayor for his approval and signature. Said budget or any item or items thereof may, within five days after its adoption, be vetoed in whole or in part or any item reduced, by the Mayor, who, within said five days shall return the budget to the Council with a statement of his action. It shall require a vote of two-thirds of all the members of the Council to overcome such action by the Mayor, such vote to be taken by the Council within three days of the date of said return to it of the budget.

Veto by Mayor.

Sec. 350. The budget, as adopted by the Council and approved by the Mayor, or without the approval of the Mayor if not acted on by him within five days as heretofore provided, or as adopted by vote of two-thirds of the members of the Council as to items vetoed by the Mayor, shall be signed by the Mayor, or by the President of the Council and the City Clerk and the several items thereof shall thereupon be deemed appropriated for the ensuing fiscal year to the several purposes, departments, and offices therein specified. The budget shall be filed in the office of the Controller and under his direction shall be printed and distributed to officers of the city government and to citizens making application to the Controller therefor.

Budget to be signed, filed, printed, etc.

Sec. 351. Each board, officer or employee shall have authority, in the manner provided in this charter, to expend and make contracts involving the expenditure of one-twelfth of the fund apportioned by the general city budget or by a special departmental budget to such board, officer or employee, during each month of the fiscal year, and no more, unless

Expenditure of appropriations.

otherwise specified in said budget or unless specially authorized so to do by the Council or by the board adopting the departmental budget involved; provided, that if during any month less than one-twelfth of the fund so apportioned shall be expended, the amount unexpended may be expended in any subsequent month of the fiscal year without such special authorization.

Annual
tax levy.

Sec. 352. On or before the last day of August of each year, the Council shall adopt an ordinance levying upon the assessed valuation of the property of the city, in accordance with the provisions of this charter, a rate of taxation upon each one hundred dollars (\$100.00) of valuation, which, with the total amount estimated by the Controller to be received from fines, licenses, and other sources of revenue, will be sufficient to raise the amount appropriated in the annual budget, provided that the amount of such tax shall not exceed the limit elsewhere in this charter provided. Such ordinance may be passed by a majority vote of the whole Council upon the day following its introduction, or at a later date.

Where
budget and
tax levy
not
adopted by
Council.

Sec. 353. In case the Council shall fail to adopt a budget and levy a rate of taxation at the time and in the manner provided by this charter, then the budget as recommended by the Mayor for the expenses of conducting the business of the city government shall be in effect, and the Controller shall add thereto the amount required to meet the interest and sinking fund for the bonded indebtedness of the city and of special districts therein and shall calculate a rate, but not exceeding the limit elsewhere in this charter provided, of taxation upon each one hundred dollars (\$100.00) of valuation which, with the total amount estimated by the Controller to be received from fines, licenses, and other sources of revenue, will be sufficient to raise the necessary revenue for the ensuing fiscal year. If necessary, in order to keep the tax rate within said tax limit, the Mayor shall reduce items in said budget sufficient to keep the budget within the tax limit and shall so notify the Controller in writing. The Controller shall thereupon give public notice of said action and rate of taxation by publication at least three times in a newspaper of general circulation in the city; and the budget shall thereupon have full force and effect as if said appropriations had been made and said rate of taxation fixed by action of the Council and approved by the Mayor, as hereinbefore provided.

Additional
funds.

Sec. 354. Transfers from the "reserve fund" to the "unappropriated balance," and appropriations from the "unappropriated balance" may be made subsequent to the adoption of the budget, as follows:

(a) Upon recommendation of the Mayor, approved by a majority vote of the Council;

(b) Upon a majority vote of the Council, subject to the approval of the Mayor, or passage by the Council over the Mayor's veto by a two-thirds vote.

Sec. 355. The head of any department may make application in writing to the Mayor for a transfer of amounts from one appropriated item to another in the budget allowance of the department of which he is head. On the approval of the Mayor, the Controller shall make such transfer; provided, however, that any transfer of an amount exceeding one thousand dollars (\$1,000.00) shall also be approved by a majority vote of the Council.

Transfer of appropriations.

Sec. 356. The budget, as finally adopted, shall be printed, with a reasonable number of copies for public distribution. The departmental budgets of the departments of the city government given control of their own special funds, as elsewhere in this charter provided, shall also be printed with said budget.

Printing of budget.

DISBURSEMENTS AND LIABILITIES.

Sec. 360. No payment shall be made from the City Treasury or out of the funds of the city unless the same be authorized by law or this charter nor unless the demand which is paid be duly audited as in this charter provided.

Authorized payments.

Sec. 361. The term audited, as used in this charter with reference to any demand upon the treasury, shall be understood to mean that there has been presented to or secured by the Controller adequate evidence that the demand has been approved by every board, officer or employee required by this charter to approve the same, or that the objections of the Controller have been overruled, as elsewhere in this charter provided; that the supplies, materials, property, or services for which payment is claimed have been actually delivered or rendered; that the payment is just and lawful and has been authorized by law and that appropriation for the same has been made; that the prices charged are just and reasonable; that the quantity, quality, and prices correspond with the original specifications, orders or contracts if any upon which the claim is based; and that the demand in all other respects is proper and valid.

"Audited" defined.

Sec. 362. All claims and demands against the City of Los Angeles, except coupons for interest and installments of the principal of outstanding bonds payable by the city, shall be paid only on demands as herein provided, on forms and blanks to be prescribed by the Controller.

Forms for claims.

Sec. 363. Every claim and demand against the city, except as provided in the preceding section, shall be first presented to and approved in writing by the board, officer or employee authorized by this charter to incur the expenditure or liability represented thereby. In all cases the date of such approval shall be given.

First approval.

Sec. 364. The salaries or wages of all officers and employees of the city shall be paid either monthly, semi-monthly or weekly as the Council may by ordinance prescribe. At the expiration of the period fixed in the ordinance providing for the time of payment of such salaries or wages, the board,

Departmental pay rolls and checks.

officer or employee having the management or control of any department or office shall cause a pay roll to be made out of all persons employed in such department or office during the preceding salary period, stating the amount of compensation of such persons in detail, which said pay roll shall be certified as provided in this charter in the case of demands against the city. Each such pay roll, duly approved by the Board of Civil Service Commissioners, as in this charter provided, shall be filed with the Controller and shall be accompanied by proper demands or pay checks for the salary or wages of each person specified therein; provided, that nothing in this Article contained shall be deemed to affect or limit the provisions of Sec. 375, of this charter.

Approval by
Controller.

Sec. 365. All demands approved by any board, officer or employee of the city shall be presented to the Controller, who shall satisfy himself whether the money is legally due and remains unpaid, and whether the payment thereof from the city treasury is authorized by law, and out of what fund. If he approve it, he shall endorse upon it the word "approved," with the name of the fund out of which it is payable, and sign his name thereto; provided, that such approval by the Controller shall be valid only for such amount as shall have been approved by the board, officer or employee approving the same. If, in the judgment of the Controller, after conference thereon with the board, officer or employee who approved said demand, such demand should be allowed only for a less amount than approved by such board, officer or employee or if he shall disapprove said demand, he shall transmit same to the Council, with his reasons for disapproval.

Demands
objected
to by
Controller.

Sec. 366. Any demand transmitted to the Council by the Controller shall promptly be considered by the Council, together with the objections of the Controller thereto.

The Council may overrule or sustain the objections of the Controller to said demand, and its action shall be endorsed thereon, certified by the signatures of the President of the Council and City Clerk, and the demand shall thereupon be returned to the Controller. If the action of the Council is to overrule the objections of the Controller to said demand, he shall make a record of the demand as in the case of demands approved by him; if the action of the Council is to sustain the objections of the Controller thereto, he shall file said demand.

Mayor to
approve.

Sec. 367. All demands for the support or maintenance of the office of the Controller shall, before payment be presented to the Mayor, who shall have the same power as to the approval or disapproval thereof as are exercised by the Controller in the case of other demands. The action of the Mayor with respect thereto shall be subject to review by the Council, as hereinbefore provided.

Demands
to be
itemized.

Sec. 368. No demand can be approved by any board, officer or employee, or be audited, unless it specify each several item, with the date and amount thereof.

Sec. 369. No department, bureau, division, or office of the city government shall make expenditures or incur liabilities in excess of the amount appropriated therefor.

Limitation
on
Liabilities.

Sec. 370. No demand upon the treasury shall be allowed by the Controller in favor of any person or officer in any manner indebted thereto without first deducting the amount of such indebtedness, nor to any person or officer having the collection, custody of or disbursement of public funds, unless his account has been duly presented, passed, approved and allowed, as required by law or this charter; nor in favor of any person or officer who shall have neglected to make his official returns or his reports in writing in the manner and at the time required by law or this charter, or by the ordinances or regulations made in pursuance thereof; nor to any person or officer who shall have neglected or refused to comply with any of the provisions of this charter or ordinances of the city, or any act of the legislature regulating the official duties of such person or officer, on being required in writing to comply therewith by the Mayor or the President of the Council or the Controller; nor in favor of any person or officer for the time he shall have absented himself, without lawful cause, from the duties of his office during the office hours prescribed by this charter or by ordinance, and the Controller may examine any person or officer receiving a salary from the treasury on oath respecting such absence.

Demands
to be
reduced or
held up.

Sec. 371. The Controller must keep a record of all demands on the treasury approved by him, or his objections to which have been overruled, showing the number, date, amount, and the name of the payee thereof, on what account allowed, and out of what funds payable, and it shall be a misdemeanor in office for the Controller to deliver any demand with his approval thereon, or otherwise, until this requisite has been complied with.

Record of
demands
approved.

Sec. 372. Every lawful warrant upon the treasury, as in this charter required, shall in all cases be paid on presentation and canceled, and the proper entry thereof be made, if there be sufficient money in the treasury belonging to the fund out of which it is payable; but if there be not sufficient money belonging to said fund to pay such warrant, then it shall be registered in a book to be kept by the Treasurer for that purpose, showing its number, when presented, date, amount, name of payee, and on what account allowed, and out of what fund payable; and being so registered, shall be returned to the party presenting it, with an endorsement of the word "registered"; dated and signed by the City Treasurer. All registered warrants shall be payable in the order of their registration. Published notice shall be given when the city can pay such registered warrants.

Payment of
warrants.

Sec. 373. Nothing in this Article contained shall be construed as interfering with or preventing the payment by the Treasurer of bonds of the City of Los Angeles, or bonds payable by the City of Los Angeles, and the interest coupons.

Payment of
bonds and
coupons.

thereof, in accordance with the constitution, laws and ordinances authorizing the issuance and payment of said bonds.

Money
collected
to be
turned in.

Sec. 374. All public money collected by any officer or employee of the city shall immediately be paid into the city treasury, without any deduction on account of any claim for fees, commissions or any other cause or pretense; and the compensation of any officer, employee or other person so collecting money, shall be paid by demands on the treasury, duly audited as other demands are audited and paid.

Disburse-
ments for
improvements
made outside
of city.

Sec. 375. The Council may by ordinance provide, that whenever the construction, maintenance or operation of any public work or improvement is to be carried on outside the City of Los Angeles, and the board or officer in charge thereof shall deem it necessary or convenient that any part of the money to be expended for the cost of construction, maintenance or operation of such work or improvement shall be disbursed at any point or points outside said city, said board or officer may appoint a disbursing agent, whose duty it shall be to disburse such money in the manner hereinafter specified. The said disbursing agent shall enter into and deliver to the said board or officer a bond payable to the city, in a sum to be fixed by said board or officer conditioned on the faithful performance of his duties, executed by himself, and by a responsible surety company, or if required by the board or officer, by two or more sufficient sureties approved by the board or officer and said board or officer may, from time to time, require from said disbursing agent a new bond, or such additional bond as it may deem proper. Said board or officer shall, after the execution and delivery of such bond, authorize in writing the payment and delivery to said disbursing agent of such sum of money as it may deem proper, and said sum shall thereupon be paid to said disbursing agent by the Treasurer upon a demand approved by the board or officer as in other cases out of the fund from which the cost of said work or improvement is to be paid, and the receipt of said disbursing agent therefore shall release the Treasurer from all liability for the money so paid. Provided, however, that said board or officer shall not authorize the payment to said disbursing agent of any money which, together with the money already paid to him and remaining unexpended as herein provided, shall exceed fifty per cent of the amount of the bond of said disbursing agent.

That said disbursing agent shall thereafter pay out said money as may be required in the prosecution of said work for services or for material and supplies, but no money shall be paid by him except upon order of said board or officer and upon vouchers or demands certified to be correct by the officer or agent of the city under whose direction the services are rendered or the materials or supplies used.

Said disbursing agent shall, on or before the tenth day of each calendar month, and at such other times as may be required by said board or officer, render to said board or officer

an account showing the amount of money in his hands on the first day of the preceding calendar month, all amounts received, and all money disbursed by him during said preceding month, and the amount of money remaining in his hands on the last day of said preceding month.

Sec. 376. No suit shall be brought on any claim for money or damages against the City of Los Angeles, or any officer or board of the city until a demand for the same has been presented as herein provided, and rejected in whole or in part. If rejected in part, suit may be brought to recover the whole. Except in those cases where a shorter period of time is otherwise provided by law, all claims for damages against the city must be presented within six (6) months after the occurrence from which the damages arose, and all other claims or demands shall be presented within six (6) months after the last item of the account or claim approved. Nor shall suit be brought against said city, or any board, or officer thereof, upon any claim or demand that has been in whole approved and audited as provided herein; provided, that nothing herein contained shall be construed so as to deprive the holder of any demand of his right to resort to writ of mandamus or other proceeding against the Council, or any board or officer of said city, to compel it or him to act upon such claim or demand, or to pay the same when so audited.

Actions
upon claims
against city.

FUNDS.

Sec. 380. All money paid into the city treasury shall be credited to and kept in separate funds in accordance with the provisions of this charter, the law, or ordinance. The following funds are hereby established: fire and police pension fund, general fund, harbor revenue fund, library fund, park fund, permanent improvement fund, playground and recreation fund, power revenue fund, reserve fund, water revenue fund and unappropriated balance fund, and such bond funds, interest funds, sinking funds, trust funds, and other funds as may be required by law or ordinance.

Funds.

Sec. 381. It shall not be lawful to transfer money from one fund to another, or to use the same in payment of demands upon another fund, except in the case of the unappropriated balance fund and the reserve fund or except as in this charter specifically provided.

Transfer
of funds or
accounts.

Sec. 382. At the close of each fiscal year the Controller and Treasurer shall transfer all surplus money remaining in each fund, over and above the amount of outstanding demands and liabilities payable out of such fund, to the "reserve fund", except such surplus money as is in the several bond funds, interest and sinking funds, trust funds, the fire and police pension fund, the harbor revenue fund, the library fund, the park fund, the permanent improvement fund, the playground and recreation fund, the power revenue fund and the water revenue fund, but the Council may by ordinance direct that any or all said surplus money in either the harbor revenue

Surplus at
end of year.

fund, the power revenue fund or the water revenue fund be transferred to such reserve fund with the consent of the board in charge of such fund, but not otherwise.

CONTRACTS.

Contracts
to be in
writing and
approved.

Sec. 385. Every contract involving an expenditure of more than five hundred dollars (\$500.00) shall, except in cases of urgent necessity, as provided in Sec. 386 of this charter, be made in writing, the draft whereof shall be approved by the board, officer, or employee authorized to make the same, and signed on behalf of the city by the Mayor, or some other person authorized thereto by resolution of the Council in the case of a contract authorized by the Council, or, in the case of other contracts, by the board, officer or employee, as the case may be, authorized to make the same; provided, however, that the approval of the City Attorney of any such contract as to form, as required by this charter, except contracts for the purchase of materials or of labor and materials involving the sum of two thousand dollars (\$2000.00) or less, shall be endorsed thereon before the Council, or such board, officer or employee shall have power to approve the same.

Advertising
for bids
and letting
of contracts.

Sec. 386. The City of Los Angeles shall not be, and is not bound by any contract, involving any expenditure of more than Two Thousand Dollars (\$2000.00), unless the Council, board, purchasing agent, or other officer or employee, as the case may be, authorized to make the same, shall have first caused notice to be published one or more times in a daily newspaper printed and published in said city, inviting proposals to perform the same, and specifying the amount of the bond to be given for the faithful performance of the contract, and thereafter shall have let said contract to the lowest regular responsible bidder furnishing security for its performance satisfactory to the Council, board, officer or employee, as the case may be. The right to reject any and all proposals shall, in every case, be reserved. Every such proposal shall be accompanied by a check certified by a responsible bank in the City of Los Angeles, payable to the order of the City of Los Angeles for an amount not less than ten per cent of the aggregate sum of the bid, or by a satisfactory bond for the said amount, and so payable, as a guarantee that the bidder will enter into the proposed contract if the same be awarded to him. No bid shall be considered unless the same is accompanied by such check or bond. The bid of any party who has been delinquent or unfaithful in the performance of any former contract with the city shall be rejected. If the successful bidder fails within ten (10) days after the contract is awarded to him to enter into the same or to furnish the bond required for the faithful performance thereof, executed by the contractor and by a responsible surety company, or by two or more sufficient sureties approved by the Council, board, officer or employee, as the case may be, then the certified check accompanying his bid shall be presented for payment and collected, and the amount

thereof paid into the general fund of the city; provided, however, that the provisions of this section requiring the publication of notice inviting proposals and the letting of contracts to the lowest bidder, shall not apply to contracts for the performance of professional, scientific, technical or expert services of a temporary and occasional character, or for the furnishing of articles covered by letters patent granted by the government of the United States, or for the leasing or purchasing of real property, when approved by a majority vote of the Council; and provided, further, that contracts, in writing or otherwise, may be let without advertising for or inviting bids, when any repairs, alterations, work or improvement under the charge of any board or officer of the city shall be deemed of urgent necessity by said board or officer and such method of letting contracts therefor is approved by the Council and by the Mayor.

Sec. 387. In all cases where bids are not required by this charter to be advertised for, bids, either advertised for or not advertised for, shall be obtained as far as reasonably practicable and compatible with the city's interests, and a public record of such bids be kept. The right to reject any and all bids shall be reserved in all cases. Bids for other contracts.

Sec. 388. Every proposal referred to in Sec. 386 to perform a contract with the city, or with any board, officer or employee, thereof, shall have thereon, or attached thereto, the affidavit of the bidder that such proposal is genuine, and not sham or collusive, nor made in the interest or in behalf of any person not therein named, and that the bidder has not directly or indirectly induced or solicited any other bidder to put in a sham bid, or any other person, firm or corporation to refrain from bidding, and that the bidder has not in any manner sought by collusion to secure for himself an advantage over any other bidder. Any bid made without such affidavit, or in violation thereof, shall not be considered. If at any time it shall be found that the person, firm or corporation to whom a contract has been awarded has, in presenting any bid or bids, colluded with any other party or parties, then upon the entry of such finding on the records of the board, or officer awarding said contract, the contract so awarded shall be voidable at the option of the Council, or the board, officer or employee making the same on behalf of the city, as the case may be, and the contractor and his bondsmen shall be liable to the city for all loss or damage which the city may suffer thereby; and the Council, board, officer or employee, as the case may be, may advertise for a new contract. Any contractor making a false affidavit may be excluded from future bidding. Affidavit to be made by bidder.

PURCHASES.

Sec. 391. (1) All purchases of materials or supplies involving an expenditure of one thousand dollars (\$1000.00) or less, required for any board, officer or employee of the city, excepting purchases requiring payment from the harbor Purchase of materials and supplies.

revenue fund, the library fund, the power revenue fund or the water revenue fund, or from any bond funds controlled by the harbor, library or water and power departments, shall be made from the lowest responsible bidder, by the Purchasing Agent of the city, upon requisition delivered to him and signed by the department, officer or employee for whom the purchase is to be made.

(2) All such purchases involving an expenditure in excess of one thousand dollars (\$1,000.00) shall be made from the lowest responsible bidder by the Purchasing Agent upon such said requisition, provided that in this case the specifications on which bids were asked must first have been approved by the Purchasing Agent and also by the department, officer or employee for whom the purchase is being made, or in lieu of the latter, by the Director of the Bureau of Budget and Efficiency, and provided further, that the acceptance of any bid in such case, shall be approved by the Purchasing Agent and also by the department, officer or employee for whom the purchase is being made, or in lieu of the latter, by the Director of the Bureau of Budget and Efficiency.

Whenever practicable, any said specification or acceptance of bids shall have affixed thereto signatures showing the approval or disapproval, as the case may be, of the department, officer or employee for whom the purchase is being made, and of the Director of the Bureau of Budget and Efficiency, but either of said signatures, together with the signature of the Purchasing Agent, shall be sufficient to approve any said specification or acceptance of bids.

In any purchase exceeding two thousand dollars (\$2,000.00) made for the Department of Public Works, the said department shall have entire authority to prepare the necessary specifications without the approval of the Purchasing Agent and no contract for such purchase shall be awarded or made by the Purchasing Agent without the approval of the Board of Public Works.

(3) Whenever the procedure prescribed by this section can not be followed without loss to the city, any board, officer or employee of the city mentioned in Sec. 351 of this charter, may purchase materials or supplies required for immediate use by the city, when such purchase does not exceed twenty-five dollars (\$25.00); provided that such emergency purchases shall not exceed one hundred dollars (\$100.00) for any such board, officer or employee, during any one month.

(4) The Council may by ordinance provide that the Purchasing Agent may, in his discretion, issue blanket purchase orders not exceeding five hundred dollars (\$500.00) each, for any calendar month, which shall be authority to make purchases thereunder, to any department, officer, or employee specified in any such blanket order, such department, officer or employee having budget authority to incur such expense, when the business of said department would suffer loss and injury from the lack of such blanket purchase order.

SALES.

Sec. 393. Any real property owned by the City of Los Angeles that is no longer required for the use of the city, may, subject to the limitations and exceptions elsewhere prescribed in this charter, be sold, either in the whole or in part, under such terms and conditions, and under such procedure as the Council may by ordinance prescribe; provided, however, that 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 at the request or with the approval of the board, commission or officer having the management of such department, and the proceeds of such sale shall be paid into the city treasury and placed in the fund or the department having control of such property. Sale of real property.

Sec. 394. Any personal property belonging to the city, that is no longer required for the use of the city, may be sold under such terms and conditions, and under such procedure as the Council may by ordinance prescribe; provided, however, that no such personal property that is under the control of any department of the city government shall be sold except at the request or with the approval of the board, commission or officer having the management of such department. The proceeds of the sale of personal property shall be paid into the city treasury and placed in the fund of such department. Sale of personal property.

ARTICLE XXIX.

BUREAU OF BUDGET AND EFFICIENCY.

Sec. 396. There is hereby established a Bureau of Budget and Efficiency. Bureau of Budget and Efficiency.

Sec. 397. The Bureau of Budget and Efficiency shall be under the management and control of a director to be known as the Director of the Bureau of Budget and Efficiency. He shall be appointed by the Mayor, subject to the civil service provisions of this charter. It shall be the duty of the Mayor and Council to provide by ordinance for the necessary employees for the work of the Bureau. Director.

Sec. 398. The Director of the Bureau of Budget and Efficiency shall have power and it shall be his duty to investigate the administration of the various departments of the city for the purpose of recommending to the Mayor and Council concerning the duties of the various positions in said departments, the methods of said departments, the standards of efficiency therein, and such changes as in his judgment will promote economy and efficiency in the conduct of the city government. Investigation of departments.

Sec. 399. The Director of the Bureau of Budget and Efficiency shall assist the Mayor and Council in the preparation of the annual budget and in the consideration of any appropriations subsequent thereto, as set forth elsewhere in this Preparation of budget.

charter, and throughout the year shall conduct studies and investigations that will assist in the preparation of the budget.

Assist Mayor or Council.

Sec. 400. The Director of the Bureau of Budget and Efficiency shall furnish the Mayor or Council such aid, information or recommendation as shall be requested of him in writing by the Mayor or Council.

Financial support.

Sec. 401. For the financial support of the Bureau of Budget and Efficiency there is hereby appropriated an annual sum of not less than one-fourth of one per cent on each one hundred dollars (\$100.00) of the assessed value of all real and personal property of the city as assessed for city taxes.

ARTICLE XXX.

BOROUGHIS.

Boroughs may be organized.

Sec. 405. Any territory included in the area that has become a part of the City of Los Angeles by annexation or consolidation may be organized into a borough in the manner hereinafter set forth, provided such territory contain at least 4000 acres, or a population of not less than 40,000 persons, as determined by the City Council.

Petition for organization.

Sec. 406. (1) Whenever a petition shall be presented to the City Council, signed by at least twenty-five per cent of the registered voters residing in the territory proposed to be formed into a borough, describing the exterior boundaries of such territory, stating the proposed name of such borough and praying that such territory be established as a borough, the Council shall fix a date for a hearing upon said petition. Following said hearing the Council may amend the boundaries as set forth in said petition by adding to or subtracting from the territory described in said petition.

Hearing.

Notice of election.

(2) The Council may, in its discretion, submit to the voters of such territory, as described in the petition or as amended by the Council, the question whether such proposed borough shall be established; and shall, prior to the holding of such election, cause a notice of such election to be published at least once a week for a period of three successive weeks next preceding the date of such election, in a newspaper printed and published in the territory embraced within such proposed borough, if any such there be, and if there be no such newspaper, such notice shall be posted for the same period in at least five public places in such territory. Such notice shall describe the exterior boundaries of such proposed borough, as determined by the Council; shall state the proposed name thereof, shall state the date of such election, and shall direct the voters to cast ballots upon which there shall be printed the words, "For the establishment of the Borough of -----" (inserting the proposed name of borough) "Yes"; "No"; and with voting squares to the right of and opposite such proposition.

Election.

Such election shall be held and conducted and the returns thereof shall be canvassed and the result thereof declared, in substantially the same manner as in the case of other elec-

tions held in the City of Los Angeles. If, upon such canvass, it appears that the majority of the votes cast at such election is in favor of the establishment of such borough, the Council shall, by an order entered upon its minutes, declare such borough duly approved, under the name stated in the petition. Upon the appointment and qualification of the members of the Advisory Borough Board, hereinafter provided for, and the filing by the City Clerk in his office of a certificate signed by him showing the result of said election and the names of the members of the Advisory Borough Board, so qualified, said Borough shall be deemed to be and become fully and completely established.

Establishment of borough.

Sec. 407. There shall be established in each borough formed under the provisions of this charter an Advisory Borough Board consisting of five members. Except as hereinafter provided the terms of office of the members of said board shall be five years. One member of said board shall be appointed each year by the Mayor, after a public hearing and conference by the Mayor with any civic bodies within the borough that desire to make recommendations. The members of the first Advisory Borough Board shall classify themselves by lot into terms of one, two, three, four and five years, respectively, commencing with the first day of July next preceding the date of their appointment.

Advisory borough board.

Sec. 408. Sections 72, 74 to 84 inclusive, and 86 and 87 of this charter relating to the organization of citizen boards, their powers and duties, and the appointment of a manager and secretary and their powers and duties, are hereby made applicable to the organization, powers and duties of an Advisory Borough Board, their manager and secretary, within the scope of their work.

Organization of board, etc.

An Advisory Borough Board shall adopt a borough budget and make budget appropriations, to be expended by the borough manager as provided in Sec. 83 for a departmental budget and its expenditure by a departmental manager.

Sec. 409. An Advisory Borough Board shall have the following additional powers:

Additional powers of board.

(1) To fix the place or places within said borough where, and the times at which its meetings shall be held, all of which meetings shall be public.

(2) To authorize the City Council to levy a borough tax within the borough, said tax not to exceed ten cents on each \$100.00 of assessed valuation. Such authorization shall be by resolution passed by a majority vote of the board and certified by the secretary thereof, to the City Council. Said borough tax shall be added to and collected with the regular city tax in the manner in which said city tax is collected, and the rate therefor shall not be included in computing the tax limit fixed by this charter. The proceeds from each such borough tax shall be deposited in the city treasury to the credit of a fund to be known as the _____ (insert name of borough) Borough Fund. All money expended by

an Advisory Borough Board shall be handled through the office of the City Controller, Treasurer, Purchasing Agent and other financial agencies of the city in the same manner as the expenditures of regular city departments, except that such money shall not be carried by the city budget otherwise than as a lump sum allocation to the borough fund.

(3) To control and order the expenditure of all money that shall be deposited in the treasury of the city to the credit of the Borough Fund. Such money shall be expended to promote the work of the Board as authorized by this charter.

(4) To represent the municipal needs or desires of the borough before any department of the city government.

(5) To request the City Council to call special elections within the borough for the voting by the voters thereof of special district bonds or special district taxes, to be paid by such special districts, and to be expended by the city through the appropriate regular departments of the city government in providing or supplementing any municipal function within the borough or any borough function as set forth in the election call of any such special election.

(6) To promote sentiment or procedures for public or local improvements within the borough and to hold public meetings for the consideration of borough questions.

Expenditures.

Sec. 410. In addition to the uses herein elsewhere authorized, the money in a Borough Fund may be expended by an Advisory Borough Board, (through the appropriate departments of the city government) in providing or supplementing, through the appropriate departments of the city government, any municipal service or function within the borough in addition to that furnished by the city. Among other things, said money may be expended for the maintenance of music or other entertainment within the borough.

Election of members of board.

Sec. 411. Two years after the establishment of any borough the voters of such borough may petition the City Council to call an election within said borough, at which the following question shall be submitted: "Shall the members of the Advisory Borough Board of ----- (insert name of borough) be elected to their positions?" If said petition is signed by twenty-five per cent or more of the registered electors of the borough, but not otherwise, the Council shall call such election. If a majority of the electors of the borough voting on said question vote in favor thereof, the members of said Advisory Borough Board shall thereafter be elected and not appointed as hereinbefore provided. Return to the method of appointment may be made by similar petition and election. The Council shall by ordinance provide the details of the method of election of such members of such Advisory Borough Board.

Employees.

Sec. 412. The employees of an Advisory Borough Board shall be exempt from the Civil Service provisions of this Charter.

Sec. 413. The boundaries of a borough may be enlarged by the addition of new territory, from time to time, by the Council by ordinance, but no territory shall be added to any borough unless a majority of the electors of such territory and of the borough, respectively, voting on the question of such inclusion, shall each first have voted in favor thereof. The boundaries of a borough may be diminished from time to time, by the Council by ordinance, provided that no territory shall be excluded from any borough unless a majority of the electors of such territory and of the borough, respectively, voting on the question of such exclusion, shall each have first voted in favor thereof. Any borough may be disestablished with the consent of the Council, granted by ordinance, and a majority vote of the electors of the borough voting in favor of said disestablishment. Upon a change in borough boundaries or borough disestablishment, the Council shall provide for the equitable disposition of any borough property and for the equitable adjustment and payment of any borough debts. The City of Los Angeles shall not be liable for any obligation of a borough beyond the funds in the Borough Fund of such borough available therefor.

Change of
boundaries.Disestab-
lishment.

ARTICLE XXXI.

MISCELLANEOUS.

Sec. 420. Whenever the people of the city have authorized the issuance of bonds for any public work, improvement or purpose, the board which by this charter is given superintendence and control of such public work, improvement or purpose may at any time thereafter adopt a resolution requiring the immediate sale of said bonds, and file the same with the Clerk of the Council; thereupon it shall be the duty of the Council to proceed without delay to cause said bonds to be issued and sold in the manner provided by law, and to cause the proceeds thereof to be deposited in the city treasury, to the credit of the appropriate fund for the carrying out of the purposes and objects for which such bonds were voted.

Sale of
bonds.

Whenever any of the bonds above referred to have been sold and the proceeds deposited in the city treasury the said board which by this charter is given superintendence and control of such public work, improvement or purpose shall have control of the expenditure thereof and shall cause the same to be expended for the purposes and objects for which the said bonds were voted, in the same manner as provided in this charter for the payment of other funds from the city treasury.

Expenditure
of proceeds.

Sec. 421. Whenever any board, officer or employee is given authority in this charter to construct any public work or improvement, such authority shall include the right to proceed therewith either by contract or by the direct employment of labor and purchase of materials, subject to all the provisions of this charter.

Labor and
materials.

Improvement
of streets by
state or
county.

Sec. 422. The city shall have power to permit, by ordinance, the improvement of any of its streets or highways, by the state or country, or by any board, commission or agency thereof, out of any funds of the state or county available for such purpose, and to provide in such ordinance for the compliance by the city with all requirements of the law authorizing such street improvements.

Title to city
property.

Sec. 423. The title to all property of the City of Los Angeles, now owned or hereafter acquired, including all such property in the name of any officer, board, commission, or department of the city, other than the Board of Education, shall be vested and held in the name of The City of Los Angeles; and it shall be the duty of every such officer, board, commission, or department, or the successor thereof in office, immediately upon the taking effect of this charter, to execute to The City of Los Angeles such conveyances as may be necessary to put the provisions of this section into effect.

Sex dis-
crimination.

Sec. 424. In the employment of persons in the service of the city, 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.

Basis of
compensa-
tion.

Sec. 425. In fixing the compensation to be paid to persons in the city's employ, the Council and every other authority authorized to fix salaries or wages, 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.

Vacations.

Sec. 426. Every person who shall have been in the service of the city, continuously, for one year, shall be allowed a vacation of two weeks on full pay, annually.

Labor of city
prisoners.

Sec. 427. The Council shall prohibit enforced labor without compensation as a penalty for the commission of public offenses. The net earnings of all city 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.

Department
control of
funds.

Sec. 428. Wherever in this charter the terms "departments having control of their own special funds" and "departments which have control of definite revenues or funds", and other substantially equivalent terms are used the departments included therein and affected thereby shall in all cases be the Harbor Department, Library Department, Park Department, Playground and Recreation Department and the Water and Power Department. The Advisory Borough Board of any borough organized under the provisions of this charter shall also be included in said terms. The money in any borough fund shall be used only for the purposes of the borough and shall not be transferred to the reserve fund.

Sec. 429. The City of Los Angeles may establish a Municipal Court when, and in such manner as may be, authorized by the Constitution or laws of the State of California.

Municipal court.

Sec. 430. If any section, subsection, sentence, clause or phrase of this charter is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this charter. The people of the City of Los Angeles hereby declare that they would have ratified and adopted, and the legislature hereby declares that it would have approved this charter 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.

ARTICLE XXXII.

SUCCESSION.

Sec. 435. This Charter shall take effect on the first day in July, 1925; provided that for the purpose of nominating candidates at the primary nominating election to be held on the first Tuesday in May, 1925, and for the purpose of electing the officers of the city at the general municipal election to be held on the first Tuesday in June, 1925, this charter shall take effect upon its approval by the Legislature.

Charter effective.

Sec. 436. The officers and employes of the city at the time this charter takes effect shall hold, continue to hold and exercise their respective offices and positions until the election or appointment and qualification of their successors to be elected or appointed under this charter, with the powers and duties vested in and imposed upon them by this charter. The Department of Building and Safety is hereby declared to be the successor of the Department of Building and the Department of Electricity in the Department of Public Works under the charter of the city in effect prior to the taking effect of this charter. The various positions existing in said Department of Building and Department of Electricity at the time this charter takes effect and the officers and employes occupying said positions are hereby transferred to the Department of Building and Safety, with all their civil service standing and said officers and employes shall continue in such positions and discharge their duties as heretofore until other provision is made under the provisions of this charter. The position of manager of the Department of Building and Safety shall be filled by the Board of Building and Safety Commissioners.

Effect upon departments, officers, and employes.

Sec. 437. All acts of the Legislature relating to the City of Los Angeles, and all city ordinances, resolutions and other regulations, or portions thereof, in force at the date this charter takes effect and not inconsistent with this charter, shall be and remain in force after this charter takes effect until changed or repealed by the proper authority and in accordance with the provisions of this charter; and no rights vested under any former act, ordinance or regulation, when

Acts, ordinances, etc., continued in force.

Actions and proceedings. this charter takes effect, shall thereby be lost, impaired or discharged; and all actions and proceedings commenced in any court wherein the City of Los Angeles is a party, shall be continued without loss of rights or duties on the part of the city or other parties involved; provided, that whenever, in any ordinance or resolution hereby continued in force, there shall be imposed duties on, or powers given to any officer or employee of the city, such duties or powers shall be deemed imposed upon or given to the officer or employee specified by this charter in relation thereto, if this charter does so specify.

Rights and liabilities. Sec. 438. All rights and liabilities of the City of Los Angeles existing at the time this charter takes effect, shall continue without modification by reason of the adoption of this charter, except as otherwise herein provided.

Special proceedings. Sec. 439. No special proceedings relating to local improvements or to local assessments, pending at the date this charter takes effect, shall be invalidated or affected in any respect, by reason of this charter taking effect, but all such special proceedings shall continue, in accordance with the law applicable thereto.

Successors in office. Sec. 440. The various offices and departments of the city government established by this charter shall be the successors of the corresponding offices and departments provided for by the charter in effect immediately preceding the date this charter takes effect.

Questions arising. Sec. 441. In case of any uncertainty as to which officer or employee of the city, under the provisions of this charter, is the successor of an officer or employee of the city under the provisions of the charter in effect prior to the date on which this charter takes effect, the Council shall by resolution determine such question. The Council may, by ordinance, enact any further legislation not in conflict with the provisions of this charter necessary or convenient to accomplish the succession of this charter to the charter of the city in effect prior to the date on which this charter takes effect.

Civil service standing. Sec. 442. No city employee shall lose his civil service standing by reason of the adoption of this charter.

Certificate. I, Robert Dominguez, City Clerk of the City of Los Angeles, State of California, hereby certify that the foregoing is a full, true and correct statement of the proceedings relating to the ratification of said Charter and Alternative Proposition by the qualified electors of said City of Los Angeles, and that the Charter as above set forth, is a full, true and correct copy as the same was prepared, proposed and ratified.

IN WITNESS WHEREOF, I have hereunto set my hand and the Seal of the City of Los Angeles this 13th day of January, 1925.

ROBERT DOMINGUEZ,
City Clerk of the City of Los Angeles,
State of California.

IN WITNESS WHEREOF, We have hereunto set our hands and caused the seal of said city to be affixed this 13th day of January, 1925.

GEO. E. CRYER,
Mayor of the City of Los Angeles.

ROBERT DOMINGUEZ,
City Clerk of the City of Los Angeles.

WHEREAS, Said charter has been submitted to the legislature of the State of California for approval or rejection without alteration or amendment in accordance with section eight of article eleven of the constitution of the State of California; now therefore, be it

Approval by
legislature.

Resolved by the senate of the State of California, the assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, that said charter, hereinbefore set forth, as presented and submitted to, and adopted and ratified by the qualified electors of said city of Los Angeles, be and the same is hereby approved as a whole as the charter of the said city of Los Angeles.

CHAPTER 6.

Senate Joint Resolution No. 14—Relative to the proposed formation of a bridge and highway district for the purpose of constructing a bridge across the Golden Gate from the city and county of San Francisco to the county of Marin.

[Filed with Secretary of State January 27, 1925.]

WHEREAS, The War Department of the government of the United States has recently approved the general plan placed before it for the construction of a bridge to span the Golden Gate from the city and county of San Francisco to the county of Marin; and

Golden Gate
bridge
project
endorsed.

WHEREAS, Steps are now about to be taken for the formation of a bridge and highway district under the laws of the State of California for the purpose of constructing said bridge and the approaches thereto; and

WHEREAS, Said bridge will, when completed, form a much needed link in the chain of the famous highway system of the State of California, and afford service, convenience and economy of transportation to its citizens, as well as a marvelous attraction to sightseers and tourists, and will be a valuable asset in time of war; and

WHEREAS, Said bridge will be a monument to engineering skill and public enterprise; now, therefore, be it

Resolved by the senate and the assembly of the State of California, That we endorse the project of forming a bridge and highway district, as an agency of the State of California, for the purpose of building said bridge, and urge upon the boards of supervisors of the respective counties affected by

the proposed district the desirability and urgency of pressing the necessary resolutions and ordinances to effect the speedy organization of such bridge and highway district; and be it further

Resolved, That we extend to the War Department of the United States Government the appreciation of the senate and the assembly of the State of California for its favorable and helpful consideration in the past, and most respectfully urge that such further consideration be extended to the project as will enable its early completion; and be it further

Resolved, That the secretary of the senate be and he is hereby directed to forward a copy of this resolution to the secretary of war of the United States.

CHAPTER 7.

Senate Joint Resolution No. 16—Relating to federal harbor development at Crescent City

[Filed with Secretary of State January 27, 1925.]

Additional
funds for
Crescent
City harbor
requested.

WHEREAS, The federal government has heretofore approved the projected construction of a jetty at the Crescent City harbor for a distance of three thousand feet at an estimated cost of four hundred ninety thousand dollars, the expenditures therefor by the federal government to be matched or equaled by local interests or other sources; and

WHEREAS, More than two thousand two hundred feet of such jetty has been constructed, and between seven hundred and eight hundred feet thereof remains uncompleted, the said amount of four hundred ninety thousand dollars having been expended and expenditures of the federal government having been equaled by the county of Del Norte through a bond issue; and

WHEREAS, The completion of said jetty is of great importance in establishing a harbor of refuge to coast navigation as well as the commercial and industrial development of northwestern California and southwestern Oregon; and

WHEREAS, The county of Del Norte is unable to assume further bonded indebtedness to secure funds to be available under existing federal restrictions; now therefore be it

Resolved by the senate and assembly of the State of California, jointly, That the congress of the United States is most respectfully urged to include in the pending rivers and harbors appropriation bill, or such other bills as may be necessary, a sufficient amount to complete said proposed jetty without the requirement or condition that federal expenditures therefor be matched by contribution from local or other sources, and that the United States engineers in charge of or making recommendations on said project is most respectfully urged to make their recommendations for the completion of said project, with the estimated amount necessary therefor, without the condition of contribution thereto from other sources; be it further

Resolved, That a copy of this resolution be transmitted forthwith to the chairman of the rivers and harbors committee, to the California representatives in congress, to the United States district engineer at San Francisco, California, and to the chief engineer of the army board of engineers at Washington, D. C.

CHAPTER 8.

Senate Joint Resolution No. 18—Relating to protection of certain navigable waters in the State of California.

[Filed with Secretary of State January 27, 1925.]

WHEREAS, The flow of lava and mud from Mount Shasta has seriously threatened the navigation of certain rivers in the northern part of the State of California; and

Endorsement
of bill for
investigation
of Mount
Shasta
mud flow.

WHEREAS, The flow of such lava and mud, and debris into the rivers is threatening the fisheries of the state with serious injury; and

WHEREAS, There has been introduced into the house of representatives of the United States a certain bill (H. R. 11065, sixty-eighth congress, second session) which is commonly called the Raker bill, which provides for an investigation of the problem caused by such volcanic ash, mud and other material from Mount Shasta, California, the passage of which would be of great benefit to the State of California; wherefore, be it

Resolved by the senate and assembly of the State of California, jointly, That the legislature of the State of California urgently petitions and requests the passage of the bill known as the Raker bill; and be it further

Resolved, That the secretary of the senate is directed to send copies of these resolutions to the chairman of the rivers and harbors committees in the senate and house of representatives, and to the United States engineer in charge of rivers and harbors development, and to the senators and representatives of the State of California in congress.

CHAPTER 9.

Senate Concurrent Resolution No. 1—Approving certain amendments to the charter of the city of Piedmont, a municipal corporation in the county of Alameda, State of California, voted for and ratified by the qualified electors of said city at the general municipal election, held therein on the first day of April, 1924.

[Filed with Secretary of State January 27, 1925.]

WHEREAS, Proceedings have been had and taken for the proposal, adoption, and ratification of certain amendments hereinafter set forth in the charter of the city of Piedmont, a municipal corporation in the county of Alameda, State of

Piedmont
city charter
amendments.

California, as set out in the certificate of the president of the city council and the city clerk of said city of Piedmont as follows, to wit:

State of California, }
 County of Alameda, } ss.
 City of Piedmont. }

Certificate.

We the undersigned, Oliver Ellsworth, president of the city council of the city of Piedmont, State of California, and W. C. Little, city clerk of said city do hereby certify and declare as follows:

That the city of Piedmont is a municipal corporation in the county of Alameda, State of California, now is and at all times herein mentioned was, a city containing a population of more than thirty-five hundred (3500) inhabitants as ascertained by the last preceding census taken under the authority of the congress of the United States, and is now organized, existing and acting under a freeholder's charter, adopted under and by virtue of section eight of article eleven of the constitution of the State of California, which charter was duly ratified by the qualified electors of said city at an election duly held for that purpose February 27, 1923, and approved by the legislature of the State of California by concurrent resolution filed with the secretary of state on the fifteenth day of March, 1923 (statutes 1923, page 1564).

That in the pursuance of section eight of article eleven of the constitution of the State of California, on its own motion, the council of the city of Piedmont being the legislative body of said city, by and in pursuance of a certain resolution passed by the city council on the sixth day of March, 1924, duly submitted to the qualified electors of said city of Piedmont certain proposals for the amendment of the charter of said city, to be voted on by said qualified electors at the general municipal election held in said city on the first day of April, 1924, which said proposals were and are in words and figures following, to wit:

DEPARTMENT OF EDUCATION.

Shall the city charter of the City of Piedmont be amended by adding a new section thereto, to be known and designated as Section 38 (G), in words and figures following, to wit:

School
budget.

Section 38 (G). The Board shall determine annually the amount of money necessary to support and maintain the public schools of the city and to carry into effect all provisions of law regarding the same, and shall on or before the second Monday in May of each year, submit in writing to the Council an estimate of the money to be received from the state and county and an itemized estimate of proposed expenditures for the next fiscal year, with a request for such additional money as they may need in excess of the amount to be received from the state and county. Said Council shall thereupon consider

the estimate so submitted and shall finally determine the amount to be collected, which shall not exceed the amount of the estimate submitted. Such additional money when collected shall immediately be paid into the school fund of the city, which fund shall be drawn upon only by warrants for claims duly allowed by the Board against the school department. The warrants must be signed by the President and Secretary of the Board and by the Auditor of the City of Piedmont.

Disburse-
ments.

Shall Section 28 of the city charter of the City of Piedmont be amended to read in words and figures following, to wit:

Section 28. ELECTIONS. General municipal elections shall be held in said City each even numbered year under and pursuant to the provisions of the general laws governing elections in cities of the Sixth class, so far as the same may be applicable, and except as herein otherwise provided, subject, however, to the provisions of Section 38 hereof, as to the special election of a member of the Board of Education. In accordance with the provisions of Section 38, the Council shall have power to select, and at any regular or special meeting shall select, by the vote of the majority of all the members of said Council, a qualified elector of said City, who has been such for at least two years, to be a member of the Board of Education. The elector so selected shall thereupon become a member of the Board of Education, and shall serve on said Board for a term of four years and until his successor is selected and qualified; Provided, that no new member shall be so appointed on said Board of Education in any even numbered year, excepting to fill a vacancy as hereinafter specified. Any vacancy on the Board of Education caused by the resignation, removal, incapacity or death of the member so selected, shall be filled by the Council in like manner and for a like term, provided, that in the event the Council shall fail, neglect or be unable to select such member or fill such vacancy within thirty days after such selection should be made, the President of the Council shall appoint such elector to be a member of the Board of Education for the term hereinabove provided.

Elections.

That said such proposed amendments were published and advertised in accordance with the provisions of section eight, article eleven of the constitution of the State of California and in accordance with the provisions of the charter of the city of Piedmont in "The Piedmont Weekly News", which was then and there a weekly newspaper printed and in circulation in said city of Piedmont.

Certificate.

That said city council caused copies of said proposed amendments to be printed in convenient pamphlet form and kept in the office of the city clerk of said city, and did, until the date fixed for the election upon such charter, advertise in said "The Piedmont Weekly News" a notice that such copies might be had upon application therefor at the office of the said city clerk until the date fixed for the election hereinafter described.

That the council of the city of Piedmont, a legislative body of said city, by its certain resolution passed on the sixth day of March, 1924, did order the holding of the general municipal election of said city of Piedmont on the first day of April, 1924, and did provide in said resolution for the submission of the proposed amendments to the charter to the qualified electors of said city for their ratification at such election.

That said election was duly called and held on the first day of April, 1924, and at said election a majority of qualified electors, voting thereon, voted in favor of and the ratification of, and did ratify each of the proposed amendments to the charter of the city of Piedmont hereinabove set forth.

That the returns of said election were in accordance with the law in such cases made and provided, duly and regularly canvassed and certified to, and it was duly found, determined, and declared by the proper officers thereunto duly and properly authorized, that a majority of the qualified electors voting thereon had voted for and in favor of and ratified each of said proposed amendments to said charter as hereinabove set forth, and we and each of us further certify that we have compared the foregoing enclosed and ratified amendments to the charter of the city of Piedmont with the original proposals, submitting the same to the electors of said city at the election held on the first day of April 1924, and find that the foregoing is a true, full, correct, and exact copy thereof.

In witness whereof we have hereto set our hands and caused the seal of said city of Piedmont to be affixed hereto this third day of April, 1924.

OLIVER ELLSWORTH,
President of the City Council and
ex officio mayor.

W. C. LITTLE,
City Clerk of the City of Piedmont.

Approval by
legislature.

WHEREAS, Said proposed amendment so ratified as hereinbefore set forth has been and is now duly passed and submitted to the legislature of the State of California for approval or rejection without power of alteration in accordance with section eight of article eleven of the constitution of the State of California, now therefore be it:

Resolved by the senate of the State of California, the assembly thereof concurring, the majority of all the members elected to each house voting therefor and concurring therein, that said amendments to the charter of the city of Piedmont as proposed to and adopted and ratified by the electors of said city, and as hereinbefore fully set forth, be, and the same is hereby approved as a whole without amendment or alteration for and as amendments to and as a part of the charter of said city of Piedmont.

CHAPTER 10.

Senate Concurrent Resolution No. 3—Approving eighteen certain amendments to the charter of the city and county of San Francisco, State of California, voted for and ratified by the electors of said city and county of San Francisco, at a general election held therein on the fourth day of November, 1924.

[Filed with Secretary of State January 27, 1925.]

WHEREAS, The city and county of San Francisco, State of California, contains a population of over five hundred thousand inhabitants, and has been ever since the eighth day of January, in the year one thousand nine hundred, and is now organized and acting under a freeholders' charter adopted under and by virtue of section eight of article eleven of the constitution of the State of California, which charter was duly ratified by the qualified electors of said city and county at an election held for that purpose on the twenty-sixth day of May, one thousand eight hundred and ninety-eight, and approved by the Legislature of the State of California on the twenty-sixth day of January, one thousand eight hundred and ninety-nine (Statutes of 1899, page 241); and

San Francisco city and county charter amendments.

WHEREAS, The legislative authority of said city and county, namely, the board of supervisors thereof, duly proposed to the qualified electors of the city and county of San Francisco, twenty-four certain amendments to the charter of said city and county of San Francisco by the submission of twenty-four proposals, numbered from nineteen to forty-two inclusive, entitled as follows, to wit:

CHARTER AMENDMENT No. 19.

Describing and setting forth a proposal to the qualified voters 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 19 of Article XII thereof, relating to elections for increasing a bonded debt.

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 9 of Article XII thereof, relating to the limitation of the amount of bonded indebtedness.

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 thereto a new section to Article XII, designated as Section 20, relating to certain employments in the operating department of the Municipal Railway system.

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 amending Section 1 of Chapter VIII of Article IX, relating to salaries of the members of the Fire Department.

CHARTER AMENDMENT No. 23.

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 XIV thereof, to be numbered Section 15, relating to the lease of the subsurface area of public parks.

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 12 of Article XIII thereof, relating to removals and suspensions of Civil Service employees.

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 VIII of Article V thereof, relating to the salaries of Police Judges.

CHARTER AMENDMENT No. 26.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, to amend the Charter of said City and County by adding to Section 1, Chapter II, Article II, a subdivision to be known as Subdivision 44, relating to the power of the Board of Supervisors in respect to municipal affairs.

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 section, to be numbered Section 14 of Chapter II of Article II thereof, relating to standardizing positions and fixing salaries of employees.

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 adding an article thereto to be designated Article XIV B, relating to the acceptance and management of the California Palace of the Legion of Honor.

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

adding a new article thereto to be designated Article XIV-C, relating to the acceptance and management of the M. H. de Young Memorial Museum.

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 a new section to Chapter II of Article IV thereof to be numbered Section 10, relating to expenditures by the Auditor for counsel and attorney's fees.

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 section to Chapter VI of Article V to be numbered Section 4 thereof, relating to the appointment and salary of an attorney for the Sheriff.

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 a new section to Article XVI to be numbered Section 29 B, relating to establishing a procedure for the use of the City's credit in financing local improvements.

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 amending Section 3 of Chapter I of Article III relating to the annual budget.

CHARTER AMENDMENT No. 34.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by adding a new section to Article XVI to be numbered Section 45, relating to salaries of certain officials.

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 1 of Chapter I of Article IV, relating to the salary of the Mayor.

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 Section 11 of Article XIII of the Charter of said City and County by adding thereto a new subdivision to be known as Subdivision D, relating to the office of Sheriff.

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 section to Article XVII thereof, to be numbered Section 8, relating to the establishment of a retirement system for the teachers in the School Department.

CHARTER AMENDMENT No. 38.

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 10 of Chapter VII of Article IX thereof, relating to pensions for retired firemen.

CHARTER AMENDMENT No. 39.

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 Article III, Section 1 of Chapter IV, and Sections 3, 4 and 5 of Chapter VII of Article IX thereof, relating to Fire Department.

CHARTER AMENDMENT No. 40.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said City and County by adding a new section to Chapter VIII of Article IX thereof to be numbered Section 1½, relating to salaries paid to certain members of the Fire Department.

CHARTER AMENDMENT No. 41.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said City and County by amending Section 1 of Chapter V, Section 6 of Chapter V, Section 1 of Chapter VI, Section 1½ of Chapter VI and Subdivision 7 of Section 1 of Chapter III, Section 1 of Chapter IV and Section 5 of Chapter IV of Article VIII relating to compensation to be paid certain officers and members of the Police Department.

CHARTER AMENDMENT No. 42.

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 10 of Article XIV-A thereof relating to the support of public playgrounds.

WHEREAS, Said twenty-four proposals aforementioned containing said proposed amendments to said charter were in accordance with the provisions of section eight of article eleven of the constitution of the State of California, published for one day after their order of submission in the "San Francisco Chronicle", a daily newspaper of general circulation in the city and county of San Francisco and the official newspaper of said city and county; that said proposals were printed in convenient pamphlet form and until the date fixed for the election

hereinafter described an advertisement was published in a paper of general circulation in the city and county of San Francisco, the "San Francisco Chronicle", that such copies could be had on application therefor to the office of the board of supervisors; and

WHEREAS, The said legislative authority of said city and county, ordered placed upon the ballot at a general election to be held in the city and county of San Francisco on the fourth day of November, one thousand nine hundred and twenty-four, the said twenty-four several proposals to amend the charter of the city and county of San Francisco; and

WHEREAS, Said general election was held in said city and county of San Francisco on the fourth day of November, one thousand nine hundred and twenty-four, which day was more than forty days and less than sixty days after said proposed charter amendments had been published for one day in the "San Francisco Chronicle", newspaper, said general election having been held within six months next preceding a regular session of the legislature; and

WHEREAS, On the tenth day of November, one thousand nine hundred and twenty-four, and thereafter at meetings duly convened in accordance with law, the board of election commissioners of said city and county duly and regularly canvassed the returns of said general election, and duly declared the results thereof, said board being by law authorized to conduct, manage and control the holding of said elections and all matters pertaining to such elections in said city and county; and

WHEREAS, Thereafter, to wit on the twenty-fifth day of November, one thousand nine hundred and twenty-four, the said board of election commissioners duly filed in the clerk's office of the board of supervisors "Official statement of votes cast at the general election held in the city and county of San Francisco, State of California, on Tuesday, the fourth day of November, A. D. 1924, for charter amendments"; and

WHEREAS, At said general election so held on the fourth day of November, one thousand nine hundred and twenty-four, eighteen of said proposed amendments were ratified by a majority of the electors of said city and county voting thereon, to wit: Charter amendments numbered nineteen, twenty-one, twenty-four, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-two, thirty-three, thirty-four, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-one, forty-two, and that all the other amendments received less than a majority of the votes of the electors voting thereon and were not ratified; and

WHEREAS, The said eighteen charter amendments so ratified by the electors of the city and county of San Francisco, are now submitted to the legislature of the State of California for approval or rejection as a whole without power of alteration or amendment in accordance with the provisions of section eight of article eleven of the constitution of the State of California, and are in words and figures, as follows, to wit:

AMENDMENT No. 19.

That a new section to be numbered Section 19, to be added to Article XII, and to read as follows:

Consolidation of bond and other elections.

Section 19. Any election submitting the proposition of incurring indebtedness and the issuance of bonds called pursuant to the provisions of this article, may be held separately or may be consolidated with any other election authorized by law at which the qualified voters of the City and County are entitled to vote; provided, however, that in the event any such election called pursuant to the provisions of this article is consolidated with any other election, the provisions of this article setting forth the procedure for the calling and holding of the election called pursuant to the provisions of this article shall be complied with, except that the ordinance calling such election and the notice thereof need not set forth the election precincts, polling places and officers of election, but may provide that the precincts, polling places and officers of election shall be the same as those provided by law and described, designated and appointed by the Board of Election Commissioners or other competent authority for the election with which the election called pursuant to the provisions of this article is consolidated.

AMENDMENT No. 21.

That a new section is hereby added to Article XII, to be known as Section 20, and to read as follows:

Hours of labor of railway employees.

Section 20. Persons employed as platform men or bus operators in the operating department of the Municipal Railway system shall receive the following conditions of employment:

The basic hours of labor shall be eight hours, to be completed within ten consecutive hours; there shall be one day of rest in each week of seven days; all labor performed in excess of eight hours in any one day or six days in any one week shall be paid for at the rate of time and one-half.

AMENDMENT No. 24.

That Section 12 of Article XIII be amended so as to read as follows:

Removal of civil service employees.

Sec. 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; dishonesty; inattention to duties.

AMENDMENT No. 26.

That Section 1, Chapter II, Article II, be amended by adding thereto a subdivision to be known as Subdivision 44 and to read as follows:

Subdivision 44. To make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in this Charter. Laws and regulations.

AMENDMENT No. 27.

That a new section, to be numbered Section 14, be added to Chapter II of Article II, and to read as follows:

Section 14. The Board of Supervisors shall have power, and it shall be its duty, to fix by ordinance all salaries, wages and compensations of every kind and nature, except pensions or retirement allowances, for all officers and employees of all departments, offices, boards and commissions, including public utilities of the City and County; provided, however, that compensations specified elsewhere in this Charter for elective officials, officials appointed by the Mayor, and members and employees of the Police and Fire Departments, shall continue as so specified or as amended; and provided, further, that the compensations of the teaching and technical forces of the School Department, librarians and technical assistants of the Library Department, and employees under the jurisdiction of the Park Commission, and employees engaged on public utility construction outside of the City and County, shall be fixed by the board or commission in charge thereof, unless any such board or commission, by resolution, shall request the Supervisors to classify positions and determine standards of com- Compensation of officers and employees.

Classification of civil service employees.

compensation, as herein provided, for employments under its control that are herein exempted. The Board of Supervisors, through the Civil Service Commission, shall cause all employments for which the Supervisors are to fix compensations to be classified and graded for the purpose of fixing such compensations, in accordance with duties and responsibilities of the employment, training and experience required, and seniority of the personnel, and shall cause a schedule of compensations to be proposed, under which like compensation shall be paid for like services, with due regard to prevailing economic conditions, and to all other compensations paid in the City and County service; provided, however, that such classification and grading shall not operate to adversely affect the civil service classification or duties of any person holding a position at the time of the adoption of this amendment. Department heads and employees shall furnish such information as may be required for such classification, grading and standardization. The Civil Service Commission by rule shall provide for the methods and procedure to be followed in acquiring the information necessary to properly classify employments and for investigations and hearings to establish the facts relative to duties and positions, and on compensation schedules to be proposed. The Civil Service Commission shall report the proposed classification of personnel to the Board of Supervisors for adoption or rejection. Upon adoption of the classification of personnel the Civil Service Commission shall, at the request of the Board of Supervisors, report to the Board of Supervisors proposed schedule of compensation to cover such classification or subdivision thereof. The Board of Supervisors shall approve, amend or reject such schedule; provided, that any amendment shall be referred before adoption to the Civil Service Commission, for report as to what other changes such proposed amendment would require to maintain the proper relation with other rates in the proposed schedule. Where any compensation paid, at the time this amendment is adopted by the people, is higher than the standards of compensation determined as hereinbefore provided, the Supervisors shall direct the continuation of such compensation to any incumbent who held such position at such compensation on September 1, 1924, as long as he legally holds such position; provided, however, that heads of departments, in co-operation with the Civil Service Commission, where said commission has jurisdiction, shall continuously offer all possible opportunities for such employees to assume duties and responsibilities which will qualify them for higher classification subdivision. Changes in standards of compensation shall be made only at the time of the adoption of the annual budget, and to this end the Supervisors, by resolution, shall fix the dates for reference of proposed changes to the Civil Service Commission and report by the commission thereon, and said commission shall report on or before such dates. Changes of compensation shall take effect on the first day of July immediately following, except that changes of

Schedule of compensation.

compensation due to emergency conditions may be made at other times by the Board of Supervisors after requesting and receiving a report thereon from the Civil Service Commission. Pending the adoption by the Supervisors of classification and compensation schedules, as herein provided, the existing salaries and compensations, and Charter salary and wage-fixing powers, shall remain in force and effect.

AMENDMENT No. 28.

That a new article be added to be designated Article XIV B and to read as follows:

ARTICLE XIV B.

Section 1. Acceptance of Gift. The offer of Adolph B. Spreckels and Alma de Bretteville Spreckels to erect and complete a memorial to the brave men and women who made the Great Sacrifice in the World War, as a repository for works of art, objects of historical interest, and the giving of concerts, lectures and other events of entertainment and education, and generally for the use and enjoyment of the people of the City and County of San Francisco, and the State of California, located in Lincoln Park of said City and County, is hereby accepted, subject to the following conditions:

Spreckels memorial accepted.

(1) That the said memorial shall be known as the California Palace of the Legion of Honor and shall remain so designated, and the name thereof shall never be changed;

Conditions.

(2) That the management, superintendence and operation of said memorial and the lands set aside therefor shall be placed in a board of trustees, of which the Mayor of the City and County and the President of the Board of Park Commissioners of the City and County shall be ex-officio members.

Section 2. Board of Trustees. The said Memorial and the grounds set aside therefor shall be under the management, superintendence and operation of a board consisting of eleven (11) trustees, nine of the original members of which shall be appointed by the Mayor of the City and County, and of which Board the Mayor of the City and County, and the President of the Board of Park Commissioners of the City and County shall be members by virtue of their office. All vacancies thereafter occurring in said Board shall be filled by the vote of a majority of the remaining members thereof. None of said Trustees shall receive any compensation for his or her services. Section 2 of Article XVI shall not apply to this chapter.

Trustees.

Section 3. Maintenance. The Supervisors, for the purpose of maintaining, operating and superintending said Memorial, shall provide an amount sufficient for the maintenance, operation and superintendence thereof, and to that end shall annually levy a tax, the proceeds of which shall be credited to and deposited in a fund in the Treasury of the City and County to be known as the "California Palace of the Legion of Honor Fund," and shall be used exclusively for said purposes.

Maintenance.

Section 4. Accept Gifts, Loans, etc. Said board of trustees shall be empowered to receive gifts, loans, devises and bequests

Additional gifts, etc.

of money or other property, which money shall become a part of said fund, and, together with the revenue therefor derived from such tax or from other sources shall be applied to the purposes herein authorized. If such payment into said fund should be inconsistent with the conditions or terms of any such loan, 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 Memorial or the lands adjacent thereto in accordance with the terms and conditions of such loan, gift, devise or bequest.

Title to
property.

Section 5. Title to Property in City and County. The title to all property, real and personal, now owned or hereafter acquired by purchase, gift, devise, bequest or otherwise, for the purposes of the said Memorial, when not inconsistent with the terms of its acquisition, shall vest in the City and County, and, in the name of the City and County, may be sued for or defended by action at law or otherwise.

Adminis-
tration.

Section 6. Administration. The board shall have exclusive charge of the said Memorial, the lands set aside therefor, and its affairs, and of all real and personal property thereunto belonging, or that may be acquired by loan, purchase, gift, devise, bequest or otherwise, when not inconsistent with the terms and conditions of the loan, gift, devise or bequest. It shall meet for its purposes at least once in three months, and at such other times as the president or any three members thereof may appoint, in a place to be provided for the purpose. A majority of the board shall constitute a quorum for the transaction of business. It shall elect one of its number president, who shall serve for one year and until his successor is elected; and shall elect a director, a curator and secretary and such other assistants or employees as may be necessary. The secretary shall keep a full account of all property, money, receipts and expenditures, and a record of all its proceedings, and annually file a report with the City and County Auditor.

Powers of
trustees.

Section 7. Powers of Trustees. The board, by a majority vote of all its members, to be recorded in its minutes with the ayes and noes, shall have power:

1. To make and enforce all rules, regulations and by-laws necessary for the administration, government and protection of the said Memorial and its affairs, and the property belonging thereto or that may be loaned thereto;

2. To administer any trust declared or created for such Memorial, and provide memorial tablets and niches to perpetuate the memory of those persons who may make valuable donations thereto;

3. To define the powers and prescribe the duties of all officers, determine the number of and elect all necessary subordinate officers and assistants, and remove any officers or assistants;

4. To purchase works of art, literary productions, and other personal property;

5. To order the drawing and payment, upon vouchers certified by the president and secretary, of money from the California Palace of the Legion of Honor Fund for any liability or authorized expenditure;

6. To fix the salaries of the curator and secretary, and their assistants, and all other employes of said board.

AMENDMENT No. 29.

That a new article be added to Charter to be designated Article XIV-C and to read as follows:

ARTICLE XIV-C.

Section 1. Acceptance of Gift. M. H. de Young, having erected certain buildings in Golden Gate Park in the City and County of San Francisco, State of California, as a repository for works of art and objects of historical, mechanical, industrial and domestic interest for the education and enjoyment of the public, the donation of said buildings and the majority of the exhibits contained therein has been accepted subject to the following conditions:

M. H.
de Young
Memorial
Museum
accepted.

(1). The said Memorial shall be known as the M. H. de Young Memorial Museum, and shall remain so designated, and the name thereof shall never be changed.

(2). The management, superintendence and operation of said Memorial and the lands set aside therefor shall be placed in a board of trustees, of which the Mayor of the City and County and the President of the Board of Park Commissioners of the City and County shall be ex-officio members.

Section 2. The Board of Trustees. The said Memorial and the grounds set aside therefor shall be under the management, superintendence and operation of a board consisting of eleven (11) trustees, nine of the original members of which shall be appointed by the Mayor, and filed at the office of the Park Commission, and at the Mayor's office in San Francisco, and the Mayor of the City and County, and the President of the Board of Park Commissioners of the City and County shall be members by virtue of their office. All the vacancies thereafter occurring in said board shall be filled by the vote of a majority of the remaining members thereof. None of said trustees shall receive any compensation for his or her services.

Trustees.

Section 3. Lands and Funds. The Board of Park Commissioners of the City and County shall designate and set aside lands in Golden Gate Park immediately adjacent to, and extending the entire length of the rear, or the northeast, part of the present Memorial Museum. Said land to be reserved to permit of the future extension of the said Museum and the construction of additional buildings for the enlargement of the present Memorial Museum. The Supervisors shall for the purpose of maintaining said Memorial Museum include in each annual budget of City and County expenditures an amount sufficient for the maintenance, operation and superintendence thereof. Such amount shall not be less than forty thousand dollars (\$40,000) in each annual budget, and

Lands
and funds.

such additional amount as is necessary to take care of the increased demand for help, buildings, repairs and care of said Memorial Museum. Such amount shall be credited to and deposited in the fund in the Treasury of the City and County to be known as the M. H. de Young Memorial Museum Fund.

Additional
gifts.

Section 4. Accept Gifts, Loans, etc. Said Board of Trustees shall be empowered to receive gifts, loans, devises and bequests of money or other property, which money shall become a part of said fund, and, together with the revenue therefor derived from such tax or from other sources shall be applied to the purposes herein authorized. If such payment into said fund shall be inconsistent with the conditions or terms of any such loan, 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 Memorial Museum or the lands adjacent thereto in accordance with the terms and conditions of such loan, gift, devise or bequest.

Title to
property.

Section 5. Title to Property in City and County. The title to all property, real or personal, now owned or hereafter acquired by purchase, gift, devise, bequest or otherwise, for the purpose of the said M. H. de Young Memorial Museum, when not inconsistent with the terms of its acquisition, shall vest in the City and County, and in the name of the City and County, may be sued for or defended by action at law or otherwise. The Board of Park Commissioners shall maintain and care for the buildings and grounds of this Memorial Museum for all times—furnishing the moneys for the necessary repairs and embellishments of the ground and unoccupied parts.

Adminis-
tration.

Section 6. Administration. The Board shall have exclusive charge of the said Memorial Museum, the lands set aside therefor, and its affairs, and of all real and personal property thereunto belonging, or that may be acquired by loan, purchase, gift, devise, bequest or otherwise, when not inconsistent with the terms and conditions of the loan, gift, devise or bequest. It shall meet for its purposes at least once in three months, and at such other times as the president or any three members thereof may appoint, in a place to be provided for the purpose. A majority of the Board shall constitute a quorum for the transaction of business. It shall elect one of its number president, who shall serve for one year and until his successor is elected; and shall elect a director, curator and secretary and such other assistants or employees as may be necessary. The secretary shall keep a full account of all property, money, receipts and expenditures and a record of all its proceedings and annually file a report with the City and County Auditor.

Powers of
trustees.

Section 7. Powers of Trustees. The Board by a majority vote of all its members, to be recorded in its minutes with the ayes and noes, shall have power:

1. To make and enforce all rules, regulations and by-laws necessary for the administration, government and protection

of the said Memorial Museum and its affairs, and the property belonging thereto or that may be loaned thereto.

2. To administer any trust declared or created for such Memorial Museum.

3. To define the powers and prescribe the duties of all officers, determine the number of and elect all necessary subordinate officers and assistants, and remove any officers or assistants.

4. To purchase works of art, literary productions and other personal property.

5. To order the drawing and payment, upon vouchers certified by the president and secretary, of money from the M. H. de Young Memorial Museum Fund for any liability or authorized expenditures.

6. To fix the salaries of the curator and secretary, and their assistants, and all other employees of said Board.

AMENDMENT No. 30.

That a new section be added to Chapter II of Article IV, to be numbered Section 10, and to read as follows:

Section 10. The Auditor shall be allowed to expend not exceeding Three Thousand Dollars per annum for counsel and attorney's fees. The provisions of this section shall supersede any other provision of this Chapter to the contrary.

Counsel and
attorney's
fees.

AMENDMENT No. 32.

That a new section be added to Article XVI to be numbered Section 29 B and to read as follows:

Section 29-b. The provisions of this Charter shall not be deemed exclusive but the Supervisors by ordinance, which may be amended from time to time, may establish procedure for the use of the City's credit in the financing of local improvements, and the people at any general, municipal or special election, may authorize the incurring of a bonded indebtedness which shall be exclusive of the bonded debt limitations of this Charter, and the proceeds of which shall be used as a revolving fund for the financing of public improvements, provided that such Public Improvement Revolving Fund shall be reimbursed by the levy and collection of special assessments as prescribed in the following, and that bond interest and redemption shall be paid therefrom. When any public improvement, to be financed in whole or in part from the proceeds of special assessments levied against the property deemed to be benefited, shall be authorized by the Board of Public Works and the Supervisors, the City Engineer, through the Board of Public Works, shall file a report with the Board of Supervisors detailing the costs of such improvements, the amount to be assessed against benefited property, and recommending the amount of bonds that should be sold to finance the project. The Supervisors may issue general bonds on the faith and credit of the city for such purposes, the maturities of which shall not exceed fifteen years, provided that the amount of such bonds outstanding at

Financing
of local
improvements.

any one time shall not exceed the amount authorized by vote of the people. The proceeds derived from the sale of such bonds may be applied to the payment of incidental and other expenses and to progressive payments on the work or works to be financed in whole or in part by special assessment. The unpaid balances of special assessments where property owners elect to pay these in installments shall be charged an interest rate of seven per cent, which, with the principal, shall be credited to the Public Improvement Revolving Fund. The Supervisors in the ordinance herein referred to may prescribe the duties of any city or county officer in maintaining accounts of and collecting assessments for each such improvement.

AMENDMENT No. 33.

That Section 3 of Chapter I of Article III be amended so as to read as follows:

**Annual
budget.**

Section 3. The Supervisors shall meet annually between the first Monday of May and the first Monday of June, and by a vote of the majority of all the members thereof make a budget of the amounts estimated to be required to pay the expenses of conducting the public business of the City and County for the next ensuing fiscal year. The budget shall be prepared in such detail as to the aggregate sum and the items thereof allowed to each department, office, board or commission, as the Supervisors shall deem advisable; provided, however, that the salaries, wages or rates of compensation of the various deputies, clerks, assistants or employees of every kind and classification of each department, office, board or commission, except the Police, Fire, Park, Playgrounds, Public Library and School Departments, shall be itemized in said budget; and provided, further, that any and all amounts so set apart, itemized and allowed in any department, office, board or commission, as wages, salary or compensation, as aforesaid, shall be expended for such purpose only, and, if not so expended, shall, at the end of each and every month, revert to a special fund which may be reapportioned for the same purposes as those originally set out in the budget ordinance.

Before finally determining upon the budget, the Supervisors shall fix such sufficient time or times as may be necessary to allow the taxpayers to be heard in regard thereto, and the Supervisors shall attend at the time or times so appointed for such hearing. All provisions of the Charter in conflict with this section are hereby repealed.

AMENDMENT No. 34.

That a new section be added to Article XVI to be numbered Section 45 and to read as follows:

**Salaries of
elective
officers.**

Section 45. From and after July 1, 1925, the Board of Supervisors shall annually fix the salaries of the following elected officials: District Attorney, City Attorney, Auditor, County Clerk, Tax Collector, Treasurer, Coroner and Recorder; provided, however, that in no one year shall the

salary of any of the above officials exceed the present salary of the Sheriff and Assessor.

All provisions of the Charter in conflict herewith are hereby repealed.

AMENDMENT No. 36.

That a new subdivision to be known as Subdivision D, be added to Section 11 of Article XIII and to read as follows:

Subdivision D. Any person who has served for a period of one year continuously next prior to the date of approval by the Legislature of this amendment, and who shall actually be employed in the positions of chief bookkeeper and cashier in the office of said Sheriff, are hereby declared to be appointed within the provisions of Article XIII of the Charter to such positions and shall be entitled to all the benefits of said Article XIII thereafter. Hereafter the positions herein named shall be subject to the provisions of said Article XIII.

Certain employees added.

AMENDMENT No. 37.

That a new section be added to Article XVII thereof to be numbered Section 8 and to read as follows:

Section 8. The Board of Supervisors are empowered under the conditions set forth in this article to establish a retirement system and to provide for death benefits for teachers in the San Francisco School Department; provided, however, that the contributions to be made and the benefits to be received under such retirement system shall be based upon the proportion of the salaries of such teachers which have been and shall be paid out of funds contributed by the City and County, excluding therefrom the portion of such salaries which have been or shall be paid out of funds contributed by the State of California; and in determining such proportion it shall be taken to be the same proportion which the whole amount of money contributed by the City and County to the Common School Fund in any fiscal year, bears to the whole amount of money contributed to such fund in such year by the State; and provided, further, that nothing herein contained shall be construed to deprive any teacher of the rights to receive benefits under any pension or retirement system now or hereafter established by the State of California.

Teachers' pensions.

AMENDMENT No. 38.

That Section 10 of Chapter VII of Article IX be amended so as to read as follows:

Section 10. All firemen, who were retired under the provisions of the law prior to January 1, 1900, shall be entitled to receive from the funds in this Chapter provided for, the sum of Eighty five (85) Dollars per month from and after July 1, 1925, and upon the death of any such retired fireman hereafter, leaving a widow surviving him, such widow shall receive from said fund a like sum of Eighty-five (85) Dollars per month so long as she remains unmarried.

Firemen retired prior to 1900.

AMENDMENT No. 39.

That Section 4 of Chapter III of Article IX be amended so as to read as follows:

Operators.

Section 4. The Chief Engineer shall appoint for duty as chief's operators, such members of the department as he may select. There shall be not less than two operators for the chief engineer, not less than one for each assistant chief and battalion chief. The chief's operators detailed to such operators' duties at the time this amendment takes effect shall thereupon be confirmed in their positions and thereafter the chief engineer shall appoint for duty to the position of chief's operator such other member of the department as he may select.

That Section 1 of Chapter IV of Article IX be amended so as to read as follows:

Fire department companies.

Section 1. Each fire engine company shall be composed of not less than one captain, one lieutenant, two drivers and nine hosemen.

Each hook and ladder company shall be composed of not less than one captain, one lieutenant, two drivers, two tillermen and ten truckmen.

Each chemical company shall be composed of not less than one captain, one lieutenant, two drivers and three hosemen.

Each water tower company shall be composed of not less than one captain, one lieutenant, two drivers and two hosemen.

Each rescue squad company shall be composed of not less than one captain, one lieutenant, two drivers and five hosemen.

Each fire boat company shall be composed of not less than one captain, one lieutenant, two pilots, four marine engineers, four marine firemen and fourteen hosemen.

The members holding rank as engineers of steam fire engines at the time of the approval of this amendment shall be continued in the service in said rank.

The number of assistant chiefs and battalion chiefs shall be determined by the Board of Fire Commissioners.

That Section 3 of Chapter VII of Article IX be amended so as to read as follows:

Service retirement.

Section 3. The Commissioners shall, upon the application, duly verified, of any officer or member of the Fire Department, who shall have served as an active member of the Fire Department for twenty-five years continuously next preceding the date of said application, or, of any officer or member of the Fire Department who shall have reached the age of 55 years and shall have served as an active member of the Fire Department for twenty years continuously next preceding the date of said application, retire and relieve from service such officer or member; provided, also, that the Commissioners may, by unanimous vote, retire and relieve from service any aged, disabled or infirm officer or member of the Fire Department who has arrived at the age of 60 years and who has served as an active member of the department for 20 years continuously

next preceding such age, and who upon examination by two regularly certificated practicing physicians, appointed by the Commissioners for that purpose may be ascertained to be by reason of such age, infirmity, or other disability, unfit for the performance of his duties. Such retired officer or member shall receive from the Firemen's Relief Fund a monthly pension equal to one-half the amount of the salary attached to the rank held by him at the date of his retirement, and the same shall cease at his death; provided, that should said retired officer or member die leaving a widow, such 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 said officer or member of the department at the time of his retirement; provided, further, that should said widow die leaving a child or children under the age of sixteen years, said pension shall continue to be paid such child or such children until the youngest child arrives at the age of sixteen years; and provided, further, that should said retired officer or member die leaving no widow but leaving an orphan child or children under the age of sixteen years, such child or children collectively shall receive a pension equal to one-half of the salary attached to the rank held by said officer or member at the time of his retirement, until the youngest child attains the age of sixteen years.

That Section 4 of Chapter VII of Article IX be amended so as to read as follows:

Section 4. Any officer or member of the Fire Department who shall become physically disabled by reason of any bodily injury received in the performance of his duty, upon his filing with the Commissioners a verified petition setting forth the facts constituting such disability and the cause thereof, accompanied by a certificate signed by the Chief of the Fire Department, the captain of the company to which he belongs, and by two regularly certificated physicians of the City and County, recommending his retirement upon a pension on account of such disability, may be retired from the department upon an annual pension equal to one-half the amount of the salary attached to the rank held by him at the date of his retirement, to be paid to him during his life and to cease at his death; provided, that should said retired officer or member die leaving a widow, such widow shall, as long as she may remain unmarried, be paid an annual pension equal to one-half the salary attached to the rank held by the said officer or member of the department at the time of his retirement: provided, further, that should said widow die leaving a child or children under the age of sixteen years, said pension shall continue to be paid such child or such children until the youngest child arrives at the age of sixteen years; and provided, further, that should said retired officer or member die leaving no widow but leaving an orphan child or children under the age of sixteen years, such child or such children collectively, shall receive an annual pension equal to one-half of the salary attached to the rank held by said officer

Disability
retirement.

or member at the date of his retirement, until the youngest child attains the age of sixteen years. In case the disability of such officer or member shall cease his pension shall cease, and he shall be restored to the service in the rank he occupied at the time of his retirement.

That Section 5 of Chapter VII of Article IX be amended so as to read as follows:

Fireman
killed or
injured in
line of duty.

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 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; provided, however, that should said widow die, leaving a child or children under the age of sixteen years, said pension shall continue to such child or such children until the youngest child arrives at the age of sixteen years.

Second. Should the decedent leave no widow, but leave an orphan child or children under the age of sixteen years, such child, or such children collectively, shall 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 child 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 dependent 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.

Fourth. Any member or members of the family of the deceased claiming to be entitled to a pension under the provisions of this section, shall file a verified petition therefor with said Commission, which petition shall thereafter be heard by said Board, upon such reasonable notice to the petitioner or petitioners of the time and place of such hearing, as said Board may by rule or order prescribe. The verification of a petition in behalf of a minor child or children shall be made by the guardian of such minor child or children. Said petitioner or petitioners shall be entitled upon such hearing to appear personally and by counsel. Upon such hearing any interested person shall have the right to introduce testimony relative to the matters set forth in said petition. The judgment of said Commissioners respecting said application shall be final, unless in determining said application said Commissioners commit a clear abuse of discretion.

AMENDMENT No. 40.

That a new section to be numbered 1½ be added to Chapter VIII of Article IX and to read as follows:

Section 1½. The following officers and members of the Fire Department shall receive annual salaries as follows: Salaries.

Chief Engineer, seventy-two hundred dollars; First Assistant Chief Engineer, forty-eight hundred dollars; Second Assistant Chief Engineer, forty-eight hundred dollars; Battalion Chiefs, each, forty-two hundred dollars; Captains, each, twenty-eight hundred and twenty dollars; Lieutenants, each, twenty-six hundred and seventy dollars; Engineers, each, twenty-six hundred and forty dollars; Chief's Operators, each, twenty-five hundred and twenty dollars; Drivers, Stokers, Tillermen, Truckmen and Hosemen for first year of service, each, twenty-one hundred and sixty dollars; for the second year of service, each, twenty-two hundred and eighty dollars, and for the third year of service and thereafter, each, twenty-four hundred dollars; Pilots of Fire Boats, each, thirty hundred and sixty dollars; Marine Engineers of Fire Boats, each, thirty hundred and sixty dollars; Firemen of Fire Boats, each, twenty-four hundred and sixty dollars.

This amendment shall be effective on and after July 1, 1925, and in the event of its adoption the salaries herein specified shall supersede those fixed by Section 1 of this Chapter for the officers and members herein named.

AMENDMENT No. 41.

That Section 1 of Chapter V of Article VIII be amended so as to read as follows:

Section 1. Subordinate officers of the Police Department shall consist of Captains, who shall each receive an annual salary of three thousand six hundred dollars; Lieutenants, who shall each receive an annual salary of three thousand dollars; Sergeants, who shall each receive an annual salary of two thousand six hundred forty dollars; and Corporals, who shall each receive an annual salary of two thousand five hundred eighty dollars. Subordi-
nates.

That Section 6 of Chapter V of Article VIII be amended so as to read as follows:

Section 6. The Chief of Police may detail for detective duties such members of the police force as he may select, not to exceed one for each eighteen members of the police force. He shall designate a Captain of Police to act as captain over the officers so detailed, who shall receive an annual salary of five thousand dollars. Such captain shall rank as Captain of Detectives and his duties shall be defined by the Commissioners and by the Chief of Police. Such captain shall be in addition to the number of captains specified in Section 2 of this Chapter. The members so detailed shall be known in rank as Detective Sergeants. Each of said detective sergeants shall receive an annual salary of twenty-seven hundred and sixty dollars. They may be removed at any time from such Detectives.

detail by the Chief of Police. Their duties shall be defined by the rules and regulations of the Commissioners, by the orders of the Chief of Police and by the orders of the Captain of Detectives. The Chief of Police may also detail for traffic duty such members of the Department as he may select and shall designate a Captain of Police to act as Captain over the officers so detailed, who shall receive an annual salary of four thousand dollars.

Traffic
police.

That Section 1 of Chapter VI of Article VIII be amended so as to read as follows:

Police force.

Section 1. The Police Force of the City and County shall not exceed one Police Officer for each five hundred inhabitants thereof. Police Officers shall each receive an annual salary of twenty-four hundred dollars.

That Section 1½ of Chapter VI of Article VIII be amended so as to read as follows:

Patrol
drivers.

Section 1½. In addition to the Police Force provided for in Section 1 of this Chapter, there shall be not to exceed three Police Patrol Drivers for each Police Company, each of which drivers shall receive an annual salary of two thousand four hundred dollars and said Police Patrol Drivers shall, for the purpose of receiving a pension, be considered a part of the Police Force and shall be subject to the provisions and entitled to the benefits of Chapter 10 of Article VIII of the Charter.

That Subdivision 7 of Section 1 of Chapter III of Article VIII be amended so as to read as follows:

Surgeon.

7. To appoint a police surgeon who shall receive an annual salary of twenty-four hundred dollars.

That Section 1 of Chapter IV of Article VIII be amended so as to read as follows:

Chief of
police.

Section 1. The Chief of Police shall be appointed by the Board of Police Commissioners and hold office for the term of four years. He shall receive an annual salary of seven thousand two hundred dollars. He shall have control, management and direction of all members of the Department in the lawful exercise of his functions, with full power to detail any of them to such public service as he may direct, and with like power to suspend temporarily any member of the Department. In all cases of such suspension, he shall immediately report the same to the Board with the reasons therefor in writing. He shall maintain and enforce law and rigid discipline so as to secure complete efficiency of the Department. He shall, subject to the directions and orders of the Commissioners, have control of such of the prisons of the City and County as are not by the general law under the control of the Sheriff.

That Section 5 of Chapter IV of Article VIII be amended so as to read as follows:

Details.

Section 5. The Chief of Police shall detail one or more of the members of the Department to attend constantly on the Police Court and to execute its orders and process. He shall detail at his pleasure members of the Department to act as his Chief Clerk, Assistant Clerks, Prison Keepers and Property

Clerks. Said Chief Clerk and Property Clerk shall each receive an annual salary of three thousand six hundred dollars. He may also detail a member of the Department to act as photographer who shall receive a yearly salary of twenty-seven hundred dollars.

This amendment shall be effective on and after July 1, 1925.

AMENDMENT No. 42.

That Section 10 of Article XIV-A be amended so as to read as follows:

Section 10. The Supervisors shall, for the purchase, development, equipment and maintenance of the aforesaid playgrounds and recreation centers, annually appropriate to the Playground Commissioners not less than five cents nor more than seven cents upon each one hundred dollars assessed valuation upon all property in the City and County of San Francisco not exempt from taxation; and the funds so appropriated shall be credited to the Playground Fund of the General Fund, and the Playground Commissioners shall have the exclusive management and disbursement of the same; and shall conform to the general charter and ordinance provisions relative to the purchase of materials, supplies and equipment; but the tax herein provided shall not be included in the limitations prescribed by Sections 11 and 13 of Chapter 1 of Article III.

Playground fund.

The Secretary shall keep a full account of all property, money, receipts and expenditures and a record of all proceedings of the Commissioners. The votes of all its members shall be recorded in the minutes with the "ayes" and "noes."

Record.

Recreation centers known as "The Aquatic Park," situate adjacent to Fort Mason, "Fleishhacker Pool and Playfield," situate south of Sloat Boulevard and adjacent to the Pacific Ocean, the "Municipal Golf Links," situate in the Lake Merced lands, and "The Stadium," opposite the Polytechnic High School, together with such lands now acquired or hereafter acquired by the City and County adjacent to said centers which the Supervisors shall designate, shall be under the exclusive control and management of the Park Commissioners.

Jurisdiction of park commissioners.

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 general election held on Tuesday, the fourth day of November, one thousand nine hundred and twenty-four, and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said charter are and each of them is true.

Certificate.

In Witness Whereof, we have hereunto set our hands and caused the same to be authenticated by the seal of the city and county of San Francisco, this twelfth day of January, one thousand nine hundred and twenty-five.

JAMES ROLPH, JR.,
Mayor of the City and County of
San Francisco.

[SEAL]

J. S. DUNNIGAN,
Clerk of the Board of Supervisors of the
City and County of San Francisco.

Now therefore, be it

Approval by
legislature.

Resolved by the senate of the State of California, the assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the city and county of San Francisco, as proposed to, and adopted and ratified by the electors of said city and county, and as hereinbefore fully set forth, be and the same are, and each of them is hereby approved as a whole without amendment or alteration, for and as amendments to, and as part of the charter of the city and county of San Francisco.

CHAPTER 11.

Senate Concurrent Resolution No. 4—Approving amendments to the charter of the county of Tehama, State of California.

[Filed with Secretary of State January 27, 1925.]

Tehama
county
charter
amendments.

WHEREAS, The county of Tehama, State of California, has at all times herein mentioned, been, and now is a body politic and corporate, and is now and has been, since the ninth day of March, one thousand nine hundred seventeen, organized and acting under and by virtue of a charter adopted under and by virtue of section seven and one-half of article eleven of the constitution of the State of California; which charter was duly ratified by the qualified electors of said county at an election held for that purpose on the twenty-sixth day of October, one thousand nine hundred fifteen, and approved by the legislature of the State of California on the ninth day of March, one thousand nine hundred seventeen; and

WHEREAS, Proceedings have been had for the proposal, adoption, and ratification of amendments to said charter, set out in a certificate of the chairman of the board of supervisors and the county clerk and ex officio clerk of the board of supervisors of the county of Tehama, to wit:

State of California, }
County of Tehama. } ss.

Certificate.

Certificating of county clerk of the county of Tehama, State of California, and chairman of the board of supervisors

of Tehama county, State of California, as to the adoption and ratification of certain amendments to the charter of said county of Tehama, submitted to the qualified electors of said county of Tehama on the fourth day of November, 1924.

PREAMBLE.

Be it known that:

WHEREAS, The county of Tehama, State of California, has at all times mentioned herein been and now is a body politic of said State of California, and is now and has been since the ninth day of March, 1917, organized and acting under and by virtue of a charter adopted under and by virtue of section seven and one-half of article eleven of the constitution of the State of California, which charter was duly ratified by the qualified electors of said county at an election held for that purpose on the twenty-sixth day of October, 1915, and approved by the legislature of the State of California, on the ninth day of March, 1917 (Statutes 1917, page 1877, et seq.); and

WHEREAS, On the seventeenth day of September, 1924, the board of supervisors of said county of Tehama, pursuant to the provisions of section seven and one-half of article eleven of the constitution of said state, duly proposed to the qualified electors of said county certain amendments to the charter of said county by the submission of proposals for such amendments to said electors at the general election held November 4, 1924, and at the same time said board duly ordered that said proposals be submitted to the qualified electors of said county for ratification or rejection at said general election, and further duly ordered that said proposals should be forthwith published ten times in the Red Bluff Daily News, a daily newspaper of general circulation printed, published and circulated in said county; and in said proposals, said proposed amendments were set forth in full and at length, and were and are in the words and figures hereinafter set forth; and

WHEREAS, Thereafter, said proposals were duly published in full and at length in said newspaper for ten times and on the following dates, to wit: September 19, 20, 22, 23, 24, 25, 26, 27, 29 and 30th, 1924, and as often during said time as said newspaper was regularly published; and said general election at which said proposals were submitted to the vote of the qualified electors of said county was not less than thirty days nor more than sixty days after publication of said proposals as aforesaid; and

WHEREAS, Immediately subsequent to the said publication, said board of supervisors duly prescribed the form and title to be printed on the general election ballot to be used at said general election for the submission of said proposals, which said form and title is hereinafter set forth, and in which said form and under which said title said proposals appeared on said ballot; and

WHEREAS, Subsequent to said publication and at least twenty-five days prior to November 4, 1924, the county clerk of said county duly filed in his office a notice of election, in which, among other things and in addition to all other matters required by law, it was stated that said proposals would be submitted to the qualified electors of said county at said general election on November 4, 1924; and said clerk caused a copy of said notice to be posted in a prominent place in his office and on said notice said proposals appeared in the form and by the title prescribed by the board of supervisors and in the form and by the title said proposals appeared upon said ballot; and

WHEREAS, At said general election said proposals were duly submitted to the vote of the qualified electors of said county, and appeared on the general ballot at said election in the following form, to wit:

PROPOSED TEHAMA COUNTY CHARTER AMENDMENTS.

TEHAMA COUNTY CHARTER AMENDMENT No. 1.

Providing for advertising for bids for plans and specifications for construction work in excess of \$5,000.00, allowing 3% of estimated cost of work for such bids and giving Board of Supervisors discretion in adopting plans and specifications prepared at their direction by the County Surveyor.

TEHAMA COUNTY CHARTER AMENDMENT No. 2.

Providing for the consolidation of the office of Horticultural Commissioner with the offices of Sealer of Weights and Measures and County Bee Inspector.

TEHAMA COUNTY CHARTER AMENDMENT No. 4.

Creating four judicial townships in the County to be known as Red Bluff, Corning, Gerber and Los Molinos Townships, the Justices of the Peace and the Constables of the first two to receive a salary of \$75.00 per month each and the Justices of the Peace and Constables of the second two to receive a salary of \$50.00 per month; providing for their election, their terms of office and the fund from which they are to be paid; this amendment to be effective January 3, 1927.

And opposite each proposal to be voted upon, and to the right thereof, and on separate lines, were printed the words "Yes" and "No", with voting squares thereafter and in addition thereto said ballot contained all other matters and things required by law to be stated thereon, and said ballot in all respects duly complied with law; and said proposals were duly and regularly submitted to said qualified electors in strict compliance with law, and after full compliance with each and every provision of law relating to the amendment of county charters; and

WHEREAS, The county clerk of said Tehama county mailed a printed copy of said proposed amendments inclosed in an

envelope with a sample ballot, to each qualified elector within the said county of Tehama, at least ten days prior to the said fourth day of November, 1924; and

WHEREAS, The returns of said general election held in the county of Tehama on the said November 4, 1924, at which election said proposals were submitted to the vote of the qualified electors of said county, were made to and canvassed by the board of supervisors of the county of Tehama, and it appeared therefrom and was so declared by the board of supervisors that 1600 votes were cast in favor of said proposed amendment No. 1, and that 1395 votes were cast against said proposed amendment No. 1; that 1640 votes were cast in favor of said proposed amendment No. 2, and that 1450 votes were cast against said proposed amendment No. 2; that 1578 votes were cast in favor of said proposed amendment No. 4, and that 1516 votes were cast against said proposed amendment No. 4, and it appeared therefrom that a majority of the qualified electors of Tehama county voting thereon, at such general election, voted in favor of each of said proposed amendments above set forth, and said board of supervisors thereupon ordered and declared that said proposed amendments were ratified; and

WHEREAS, Said amendments so ratified by the electors of said county of Tehama at said general election held on November 4, 1924, 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 seven and one-half of article eleven of the constitution of the State of California; now

Therefore, the undersigned, T. A. Spencer, chairman of the board of supervisors of the county of Tehama, State of California, and H. G. Kuhn, county clerk and ex officio clerk of the board of supervisors of the county of Tehama, State of California, authenticating their signatures with the official seal of said board of supervisors, do hereby certify that said amendments to said charter of said county, so ratified by the majority of the electors voting thereon at said general election held on the fourth day of November, 1924, as submitted to said electors are in words and figures as follows, and is and shall, if so approved by said legislature, be in words and figures as follows, to wit:

“AMENDMENT No. 1.

Section 16, Article II of the Tehama County Charter is hereby amended to read as follows:

Section 16. Before the Board of Supervisors shall call for bids for any construction work in excess of five thousand dollars, they must first advertise for bids for plans and specifications for such work. Not more than 3 per centum of the estimated cost of such work shall be paid for such plans and specifications; Provided, that the Board of Supervisors may in its discretion require the County Surveyor to prepare plans and specifications of the proposed construction work and if satisfied that the public interest will be best subserved by the

Plans and specifications.

adoption of such plans and specifications the Board of Supervisors may adopt the same without advertising for bids.

AMENDMENT No. 2.

Paragraph (f) of section 1, Article III of the Tehama County Charter is hereby amended to read as follows:

Additional
duties.

(f) The Horticultural Commissioner shall be ex-officio Scaler of Weights and Measures and County Bee Inspector.

AMENDMENT No. 4.

Section 1, Article VII of the Tehama County Charter is hereby repealed, and a new section to be known as Section 1 is hereby enacted which shall read as follows:

Judicial
townships.

Section 1. The County of Tehama is hereby divided into four Judicial Townships as follows:

(a) Red Bluff Township, which shall comprise the territory included in Cottonwood Township, Red Bluff Township, and Sierra Township.

(b) Gerber Township, which shall comprise the territory included in Tehama Township.

(c) Los Molinos Township, which shall comprise the territory included in Los Molinos Township and Vina Township.

(d) Corning Township, which shall comprise the territory included in Corning Township and Paskenta Township.

Section 2, Article VII of the Tehama County Charter is hereby amended to read as follows:

Justice and
constable.

Section 2. A Justice of the Peace and a Constable for each Judicial Township shall be nominated and elected at the time and in the manner and for the terms provided by general law.

Section 3, Article VII of the Tehama County Charter is hereby amended to read as follows:

Salaries.

Section 3. Justices of the Peace and Constables shall receive the following salaries to be paid in the same manner and out of the same funds as County Officers are paid, which shall be in full for all services performed by them in their official capacity:

The Justice of the Peace of Red Bluff Judicial Township shall receive a salary of Seventy-five dollars per month, and the Constable of Red Bluff Judicial Township shall receive a salary of Seventy-five dollars per month.

The Justice of the Peace of Gerber Judicial Township shall receive a salary of fifty dollars per month and the Constable of Gerber Judicial Township shall receive a salary of fifty dollars per month.

The Justice of the Peace of Los Molinos Judicial Township shall receive a salary of fifty dollars per month and the Constable of Los Molinos Judicial Township shall receive a salary of fifty dollars per month.

The Justice of the Peace of Corning Judicial Township shall receive a salary of seventy-five dollars per month and the Constable of Corning Judicial Township shall receive a salary of seventy-five dollars per month.

Section 4, Article VII of the Tehama County Charter is hereby repealed and a new section to be known as Section 4 is hereby enacted which shall read as follows:

Section 4. This amendment shall go into effect on the first Monday in January, 1927," and Effective.

We further certify hereby that the facts set forth in the preamble of this certificate preceding said amendments to said charter are and each of them is true.

And, for and on behalf of said county of Tehama, we, being hereinbefore duly authorized, do hereby request the legislature of the State of California, to approve said amendments to said charter as a whole, and to take such other and further steps and proceedings as may be necessary to perfect such approval.

In witness whereof, we have hereunto set our hands and affixed the official seal of said board of supervisors of Tehama county, State of California, this fifth day of January, 1925.

[SEAL]

T. A. SPENCER,
Chairman of the Board of Supervisors of the
County of Tehama, State of California.

Attest: H. G. KUHN
County Clerk and
ex officio Clerk of the Board of Supervisors
of the County of Tehama, State of California.

Whereas, Said proposed amendments to the charter of the county of Tehama have been submitted to the legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, in accordance with the provisions of section seven and one-half of article eleven of the constitution of the State of California; now therefore be it Approval by legislature.

Resolved by the senate of the State of California, the assembly thereof concurring, a majority of all the members elected to each house voting for the adoption of the resolution and concurring therein, That said amendments to the charter of the county of Tehama, as proposed, adopted and ratified by the electors of the said county of Tehama, and as hereinbefore set forth be, and the same are hereby approved as a whole without amendment or alteration, as amendments to and as a part of the charter of the county of Tehama.

CHAPTER 12.

Senate Concurrent Resolution No. 5—Approving amendment to the charter of the county of San Bernardino, State of California.

[Filed with Secretary of State January 27, 1925.]

WHEREAS, The county of San Bernardino, State of California, has at all times herein mentioned, been, and now is a body politic and corporate, and is now and has been, since the San Bernardino county charter amendment.

seventh day of April, one thousand nine hundred thirteen, organized and acting under and by virtue of a charter adopted under and by virtue of section seven and one-half of article eleven of the constitution of the State of California; which charter was duly ratified by the qualified electors of said county at an election held for that purpose on the fifth day of November, one thousand nine hundred twelve; and

WHEREAS, Proceedings have been had for the proposal, adoption, and ratification of amendment to said charter, set out in a certificate of the chairman of the board of supervisors and the county clerk and ex officio clerk of the board of supervisors, of the county of San Bernardino, to wit:

STATE OF CALIFORNIA, }
COUNTY OF SAN BERNARDINO. } SS.

Certificate.

Certificate of County Clerk of the County of San Bernardino, State of California, and Chairman of the Board of Supervisors of San Bernardino County, State of California, as to the adoption and ratification of a certain amendment to the Charter of said County of San Bernardino, submitted to the qualified electors of said County on the 4th day of November, 1924.

PREAMBLE.

BE IT KNOWN THAT:

WHEREAS, the County of San Bernardino, State of California, has at all times mentioned herein been and now is a body politic of said State of California, and is now and has been since the 7th day of April, 1913, organized and acting under and by virtue of a charter adopted under and by virtue of Section 7½ of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said County at an election held for that purpose on the 5th day of November, 1912, and approved by the Legislature of the State of California, on the 7th day of April, 1913; (Statutes 1913, page 1652, et seq.) and,

WHEREAS, on the 15th day of September, 1924, the Board of Supervisors of said San Bernardino County, pursuant to the provisions of Section 7½ of Article XI of the Constitution of said State, duly proposed to the qualified electors of said County and amendment to the charter of said county by the submission of a proposal for such amendment to said electors at the general election to be held November 4th, 1924, and at the same time said Board duly ordered that said proposal be submitted to the qualified electors of said county for ratification or rejection at said general election, and further duly ordered that said proposal should be forthwith published ten times in the San Bernardino Daily Sun, a daily newspaper of general circulation, printed, published and circulated in said county; and in said proposal, said proposed amendment was set forth in full at length, and was and is in the words and figures hereinafter set forth; and,

WHEREAS, thereafter, said proposal was duly published in full at length in said newspaper for ten times, and on the following dates, to-wit: September 17th, 18th, 19th, 20th, 21st, 22nd, 23rd, 24th, 25th and 26th, 1924, and as often during said time as said newspaper was regularly published; and said general election at which said proposal was submitted to the vote of the qualified electors of said county was not less than thirty days nor more than sixty days after the publication of said proposal; and,

WHEREAS, immediately subsequent to said publication, said Board of Supervisors duly prescribed the form and title to be printed on the general election ballot to be used at said general election for the submission of said proposal, which said form and title is hereinafter set forth, and in which said form and under which said title, said proposal appeared on said ballots; and,

WHEREAS, subsequent to said publication and at least twenty-five days prior to November 4th, 1924, the County Clerk of said County duly filed in his office a notice of election, among other things, and in addition to all other matters required by law, stated that said proposal would be submitted to the qualified electors of said county at said general election held November 4th, 1924, and said Clerk, immediately after filing said statement, as aforesaid, also caused a copy of said notice to be posted in a prominent place in his office, and on said notice, said proposal appeared in the form and by the title so prescribed by said Supervisors and in the form and by the title said proposal appeared upon said ballot; and,

WHEREAS, at said general election, said proposal was duly submitted to the vote of the qualified electors of said county, and appeared on the general ballot at said election in the following form, to-wit:

**PROPOSED COUNTY CHARTER AMENDMENT NUMBER
FIVE.**

Shall Article VI of the Charter of the County of San Bernardino be amended by adding thereto a new section to be known as Section 2½ of said Article VI of the Charter of the County of San Bernardino, relating to the appointment and the fixing of the salaries and compensation of traffic officers of the County of San Bernardino?

And opposite said proposal to be voted upon, and to the right thereof, and on separate lines, were printed the words "YES" and "NO", with voting squares thereafter and in addition thereto, said ballot contained all other matters and things required by law to be stated thereon, and said ballot in all respects duly complied with law; and said proposal was duly and regularly submitted to said qualified electors in strict compliance with law, and after full compliance with each and every provision of law relating to the amendment of county charters; and,

WHEREAS, the County Clerk of said San Bernardino County mailed a printed copy of said proposed Amendment enclosed in an envelope with a sample ballot, to each qualified elector within said County of San Bernardino, at least ten days prior to the said 4th day of November, 1924; and,

WHEREAS, the returns of said general election held in the County of San Bernardino on the 4th day of November, 1924, at which election said proposal was submitted to the vote of the qualified electors of said County, were made to and canvassed by the Board of Supervisors of said County of San Bernardino, and it appeared therefrom and was so declared by the Board of Supervisors, 10,295 votes were cast in favor of said proposal and that 9430 votes were cast against said proposal and it appeared therefrom that a majority of the qualified electors of the County of San Bernardino voting thereon, at such general election, voted in favor of the said proposal and said proposed amendment, and said Board of Supervisors thereupon ordered and declared that said proposed amendment was ratified; and,

WHEREAS, said Amendment so ratified by the electors of the County of San Bernardino, at said general election held on November 4th, 1924, 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 7½ of Article XI of the Constitution of the State of California; now

THEREFORE, the undersigned, A. G. Kendall, Chairman of the Board of Supervisors of the County of San Bernardino, State of California, and Harry L. Allison, County Clerk and Ex-Officio Clerk of the Board of Supervisors, San Bernardino County, State of California, authenticating their signatures with the official seal of said Board of Supervisors, do hereby certify that said Amendment to said charter of said County, so ratified by the majority of the electors voting thereon at said general election held on the 4th day of November, 1924, 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:

COUNTY CHARTER AMENDMENT NUMBER FIVE.

Article VI of said County Charter is hereby amended by adding a new section to be known as "Section 2½" to read as follows:

"Section 2½: That the Board of Supervisors of the County of San Bernardino shall appoint as many traffic officers for the County of San Bernardino as in the judgment of said Board of Supervisors may be required for the patrolling of the public highways in the County of San Bernardino and enforcing the traffic laws of the State of California; and said Board of Supervisors shall, by ordinance, from time to time fix the salaries of all of such traffic officers, and shall pay the same out of the Salary Fund of the County of San Bernardino."

Traffic
officers.

And we further certify hereby that the facts set forth in the preamble of this certificate preceding said amendment to said charter are and each of them is true.

And, for and on behalf of said County of San Bernardino, we, being hereinbefore duly authorized, do hereby request the Legislature of the State of California, to approve said amendment to said charter as a whole and to take such other and further steps and proceedings as may be necessary to perfect such approval.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed the official seal of said Board of Supervisors of San Bernardino County, State of California, this 8th day of December, 1924.

A. G. KENDALL,
[SEAL.] Chairman of the Board of Supervisors of San Bernardino County, State of California.

Attest: HARRY L. ALLISON,
County Clerk and Ex-officio Clerk of the Board of Supervisors, San Bernardino County, State of California.

WHEREAS, Said proposed amendment to the charter of the county of San Bernardino has been submitted to the legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, in accordance with the provisions of section seven and one-half of article seven of the constitution of the State of California; now, therefore, be it

Approval by legislature.

Resolved by the senate of the State of California, the assembly thereof concurring, a majority of all the members elected to each house voting for the adoption of the resolution and concurring therein, That said amendment to the charter of the county of San Bernardino, as proposed, adopted and ratified by the electors of the said county of San Bernardino, and as hereinbefore set forth be, and the same is hereby approved as a whole without amendment or alteration, as an amendment to and as a part of the charter of the county of San Bernardino.

CHAPTER 13.

Senate Concurrent Resolution No. 6—Approving amendments to the charter of the city of San Bernardino, State of California.

[Filed with Secretary of State January 27, 1925.]

State of California
County of San Bernardino } ss.
City of San Bernardino }

WHEREAS, The city of San Bernardino, in the county of San Bernardino, State of California, has, at all times mentioned herein, been and now is a municipal corporation of

San Bernardino city charter amendments.

said State of California, having a population of more than thirty-five hundred inhabitants, and is now, and has been, ever since the eighth day of February, 1905, organized and existing and acting under a freeholders charter adopted under and by virtue of section eight, article eleven of the constitution of the State of California, which charter was duly ratified by the qualified electors of said city, at an election held for that purpose, on the sixth day of January, 1905, and approved by the legislature of the State of California, on the eighth day of February, 1905, (Statutes 1905, page 940, et seq.); and

WHEREAS, The mayor and common council of said city of San Bernardino, did, by ordinance designated "Ordinance No. 1113" entitled "An ordinance calling a special election to be held in the city of San Bernardino, on Tuesday, the fourth day of November, 1924, for the purpose of submitting to the qualified electors of said city, for their ratification or rejection, certain proposed amendments to the charter of the city of San Bernardino," adopted by said mayor and common council on the thirtieth day of September, 1924, and approved by the mayor of said city on the thirtieth day of September, 1924, and pursuant to section eight, of article eleven of the constitution of the State of California, duly propose to the qualified electors of said city of San Bernardino, 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 the said city on the fourth day of November, 1924; and

WHEREAS, Said proposed amendments hereinafter set forth were published for one day in a daily newspaper printed and published in said city, and of general circulation therein, to wit: in the Evening Telegram, said publication being on the twenty-third day of September, 1924; and

WHEREAS, Copies of said proposal containing said proposed amendments were printed in convenient pamphlet form, and until the date fixed for the election hereinafter described and as required by law, an advertisement was published in the Evening Telegram, a daily newspaper of general circulation, printed, published and circulated in the said city, that copies could be had upon application therefor at the office of the city clerk; and

WHEREAS, Copies could be had upon application therefor at the office of the city clerk until the date fixed for the election hereinafter described; and

WHEREAS, The mayor and common council of said city did, by said ordinance designated "Ordinance No. 1113", which was duly passed and adopted on the thirtieth day of September, 1924, and approved by the mayor of said city on the thirtieth day of September, 1924, call and order the holding of a special municipal election in the city of San Bernardino on the fourth day of November, 1924, which said last mentioned date was at least forty days, and not more than sixty

days after the completion of the publication of such proposed amendments to said charter for one day in said Evening Telegram, said newspaper, and which said ordinance calling such election specified, ordered and ordained that said proposed amendments be submitted to the qualified electors of said city, at said special election for ratification or rejection, and designated the time of such election, and provided for the election precincts and the polling places therein and the election officers for each such precinct, and which said ordinance was published for three days in the Evening Telegram, the last day of said publication being on the eighteenth day of October, 1924; and

WHEREAS, Said amendments were duly submitted to the qualified electors of said city of San Bernardino, at said special election held on the said fourth day of November, 1924, which said special election was held not less than forty days, nor more than sixty days after the completion of the publication of such proposal for one day in said Evening Telegram, said daily newspaper; and

WHEREAS, In and by said ordinance so passed, approved and published, as aforesaid, said proposed amendment was submitted to the qualified electors of said city, at a special municipal election; and

WHEREAS, In and by said ordinance, said mayor and common council ordered that said special election be consolidated with a general election held in the State of California, on said date; and

WHEREAS, Said proposed amendment was duly submitted to the qualified electors of said city of San Bernardino, at said special election; and

WHEREAS, The mayor and common council of the city of San Bernardino duly met on the sixth day of November, 1924, in accordance with law, and did then and there duly and regularly canvass the returns of said special election so held on the fourth day of November, 1924; and did find and determine therefrom that said proposed amendment to said charter, hereinafter particularly set forth, was voted for and against at said election, as follows: total votes in favor of said amendment, 4316; total votes against said amendment, 2918; and thereafter, the city clerk and ex officio clerk of the mayor and common council of the city of San Bernardino did enter the record thereof in the minutes of said mayor and common council; and

WHEREAS, Said mayor and common council did, thereupon cause said canvass to be entered upon its minutes, and did find and determine and declare that said proposed amendment had been ratified and adopted by a majority of the electors of said city voting thereon; and

WHEREAS, Said amendment so ratified by the electors of the said city of San Bernardino, at said special election, are now submitted to the legislature of the State of California, for approval or rejection, as a whole, without power of alteration

or amendment, in accordance with the provisions of section eight of article eleven of the constitution of the State of California;

Now, therefore, the undersigned, S. B. W. McNabb, the mayor and chief executive of the city of San Bernardino, and John H. Osborn, the city clerk and ex officio clerk of the mayor and common council of the city of San Bernardino, authenticated their signatures with the official seal of said city, do hereby certify that said amendment to said charter of said city, so ratified by a majority of the qualified electors voting thereon at said special municipal election held on the fourth day of November, 1924, as submitted to said electors, is in words and figures as follows, and is and shall, if so approved by said legislature, be in the words and figures following, to wit:

“Proposed Charter Amendment Number One. It is hereby proposed that 16 new Sections be added to said City Charter and to read as follows:

Civil service board.

‘Section 246. The Mayor, with the consent and approval of the Council, shall appoint three electors of the City of San Bernardino as a civil service board; one to serve for two years, one for four years, and one for six years, to take office on the first Monday of May, 1925, or as soon thereafter as appointed and qualified. Members of the board shall not hold any other public office. On the first Monday of May, 1927, and every odd year thereafter, the Mayor, with the consent and approval of the Council, shall appoint one member of the Civil Service board for a term of six years’.

Organization of board.

‘Section 247. Immediately after appointment and qualification, the board shall organize by electing one of its members chairman. The board shall appoint a chief examiner who shall also act as secretary of the board. The board may appoint such other subordinates as the City Council may, by Ordinance, prescribe’.

Classification of civil service.

‘Section 248. The civil service of the City of San Bernardino is hereby divided into the unclassified and the classified service:

- (1) The unclassified service shall include:
 - (a) All officers elected by the people;
 - (b) All officers appointed for a definite term;
 - (c) All deputies and assistants of elective officers who hold office during the pleasure of such elective officer;
 - (d) The heads of departments, and the heads of divisions of departments and members of all appointive boards;
 - (e) One secretary for each department.
- (2) The classified service shall comprise all positions not specifically included in this Charter in the unclassified service. There shall be in the classified service the following three classes, to be known as the competitive class, the uncompetitive class and the labor class:

(a) The competitive class shall include all positions and employment for which it is practicable to determine the merit and fitness of applicants by competitive examinations;

(b) The uncompetitive class shall consist of all positions requiring peculiar and exceptional qualifications of a scientific, managerial, professional or educational character, or may be determined by the rules of the board.

(c) The labor class shall include ordinary unskilled labor”.

‘Section 249. In all examinations before the civil service board, honorably discharged soldiers, sailors and marines of the United States Government, and widows of such, and the wives of injured soldiers, sailors and marines who themselves are not qualified but whose wives are qualified to hold such positions, shall not be subject to any age limitations. If such person has obtained an average percentage of sixty-five where the average percentage required is seventy, he shall be eligible and his name shall be placed on the list above and be certified before the names of persons who have not been allowed preference. If the names of more than one preference claimant appear on the list, the name of the claimant having the highest average percentage shall head the list. Preference under this Section does not apply to promotions, or to promotion examinations’.

Preference to
ex-soldiers,
etc.

‘Section 250. The civil service board, subject to the approval of the Mayor and Council, shall adopt, amend, and enforce a code of rules and regulations, providing for appointment and employments in all positions in the classified service, based on merit, efficiency, character and industry, which shall have the force and effect of law; shall make investigations concerning the enforcement and effect of this article and of the rules adopted’.

Rules and
regulations.

‘Section 251. The examiner shall approve examinations for all positions in the classified service in accordance with regulations of the civil service board, and shall maintain lists of eligibles of each class of service of those meeting the requirements of said regulations. All positions in the classified service shall be filled from such eligible list. In making such appointment, preference shall be given to bona fide residents of the City of San Bernardino who have been such residents for at least one year next preceding the date of their appointment, and who are, on said date, qualified electors of said City; subject, however, to the preference provided for in Section 249 of this Charter. As positions are filled, the examiner shall certify the fact by proper and prescribed form to the City Treasurer and the heads of the department in which the vacancy exists’.

Examination
and
appointment.

‘Section 252. The civil service board shall provide for promotion to all positions in the classified service, based on records of merit, efficiency, character, conduct and seniority’.

Promotion.

‘Section 253. An appointment or promotion shall not be deemed complete until a period of probation not to exceed six months has elapsed, and a probationer may be discharged or reduced at any time within the said period of six months, upon

Probation.

the recommendation of the head of the department in which said probationer is employed, with the approval of the majority of the civil service board'.

Discharge or
reduction.

'Section 254. No employee in the classified service shall be discharged or reduced in rank or compensation until he has been presented with reasons for such discharge or reduction in rank or compensation specifically stated in writing, and has been given an opportunity to be heard before the board in his own defense. The reason for such discharge or reduction and any reply thereto by such employee, shall be in writing and filed with the civil service board. Verified written charges may be filed by any qualified elector of the City of San Bernardino under such rules and regulations as may be prescribed by the civil service board. All charges shall be heard and trials had under such rules as the civil service board may prescribe. PROVIDED, that the provisions of this section are at all times subject and subordinate to the provisions of section 256'.

Appeal.

'Section 255. Any employee of any department in the city in the classified service who is suspended, reduced in rank, or dismissed from a department by the head of that department, may appeal from the decision of such officer to the civil service board, and such board shall define the manner, time, and place by which such appeal shall be heard. The judgment of such board shall be final; PROVIDED, that the provisions of this Section are at all times subject and subordinate to the provisions of Section 256'.

Dismissal
for good
of service.

'Section 256. Any appointive officer or employee of the City of San Bernardino, except officers appointed for a definite term, and except deputies, assistants, clerks, employees and attaches holding office at the pleasure of an elective officer, may summarily be dismissed for the good of the service by the Mayor, with the consent of two-thirds of the City Council'.

Retention of
positions.

'Section 257. All persons in the employ of the City holding positions in the classified service, as established by this Charter, at the time it takes effect, shall retain the same until discharged, reduced, promoted or transferred in accordance herewith'.

Certification
of payrolls.

'Section 258. The City Treasurer shall not pay any salary or compensation for service to any person holding a position in the classified service unless the payroll or account for such salary or compensation shall bear the certificate of the civil service board, by its secretary, that the persons named therein have been appointed or employed and are performing a service in accordance with the provisions of this Charter and of the rules established thereunder'.

Investiga-
tions.

'Section 259. In any investigation conducted by the civil service board, 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 to administer oaths to such witnesses'.

Discrimina-
tion.

'Section 260. 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 political opinions or affiliations, or because of race, color, or religious belief. No officer or employee of the City 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 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 or to express privately his opinions'.

Political contributions.

Political activity.

'Section 261. The civil service board, subject to the approval of the Mayor and Council, shall determine the penalties for the violation of the civil service provisions of this Charter. Such penalties, when fixed by Ordinance by the Mayor and Council, may be changed from time to time as required''.

Penalties.

And the following Sections of said Charter shall be amended as follows:

Subdivision 19, of Section 40, shall be amended to read as follows, to-wit:

"Section 40. Subdivision 19. To appoint and remove such policemen and other subordinates, officers and employees, as they may deem proper, and to fix their qualifications, duties and compensations subject to the civil service provisions of this Charter".

Policemen and other employees.

That Section 52 of said City Charter shall be amended to read as follows:

"Section 52. The Mayor shall see that all contracts and agreements with the City are faithfully kept and fully performed, and to that end shall cause legal proceedings to be commenced and prosecuted in the name of the City against all persons or corporations failing to fulfill their agreements or contracts, either in whole or in part. He shall have the general supervision of all city officers elected or appointed, except councilmen. He shall have power to discharge any City appointive officer or employee, for dereliction, neglect or non-performance of duty, except employees in the classified service, and may suspend any employee in the classified service pending a hearing before the civil service board''.

Contracts and agreements.

Supervision of employees.

That Section 81 of said Charter shall be amended to read as follows:

"Section 81. The City Engineer may appoint such deputies and assistants, not exceeding the number that may be fixed by the Mayor and Common Council, as the duties of his office may require. The deputies and assistants so appointed shall receive such compensation as may be fixed by the Mayor and Common Council. All maps, plats, field notes, records and other data made by the City Engineer shall be the exclusive property of the City, and on going out of office he shall turn the same over to his successor or to the Mayor. The City Engineer shall receive such compensation for his services as may be determined by Ordinance or Resolution''.

Employees.

Compensation.

City property.

That the second Subdivision of Section 163, of said Charter shall be amended to read as follows:

Employees.

“Section 163. Second: To employ such help as the necessity of the water service may demand, and fix the compensation of any and all employees in said water service. And said employees to be paid out of the water fund. And said board shall have power to require of any employee in the water department an adequate bond for the faithful performance of his duties”.

That Subdivisions First and Second, of Section 180 of said Charter shall be amended to read as follows:

Salaries,
qualifica-
tions, etc.

“Section 180. * * * First—To fix and prescribe the salaries, qualifications, duties, rank, badges of office and uniforms of the officers, members and employees of said departments; to prescribe rules and regulations for the government and discipline of the same, and to prescribe and enforce penalties for the violation thereof; subject to the civil service provisions of this Charter;

Hearing of
complaints.

Second—To hear and summarily determine all complaints of misconduct, inefficiency or violation of rules or other charges against any officer, member or employee of said departments, and to take such action thereon as shall be most conducive to the maintenance and discipline and efficiency of such departments; subject to the civil service provisions of this Charter; In all investigations, or trials conducted by them, they shall have power to issue subpoenas for the attendance of witnesses, and the production of papers and documents before them, which such subpoenas shall be signed by the Mayor, or other presiding officer of the Council, and served as required by law in case of subpoenas from the Superior Court, and the certificate of service of a subpoena from a policeman shall be proof thereof; and on failure, or refusal to attend as required by such subpoenas, the person, or persons, so offending shall be subject to the same penalties and punishment by said Council as are prescribed by law for like offenses in the Superior Courts. The Mayor, or any member of the Council, may administer oaths, or affirmations in the conduct of such investigation”.

Subpoenas.

Oaths.

The third subdivision of Section 211 of said Charter shall be amended to read as follows:

“Section 211. The Board shall have power:

Duties of
officers, etc.

* * * Third: To define the powers and prescribe the duties of all officers, to determine the number of, and elect all necessary subordinate officers and assistants, and at their pleasure to remove any such officer or assistant; subject to the civil service provisions of this Charter”.

That section 230 of said Charter shall be amended to read as follows:

Terms
of office.

“Section 230. Every elective or appointive officer of the City shall hold office during the term prescribed by this Charter, and until his successor is elected or appointed and qualified; and every appointive officer or employee, except employees in the classified service, whose term is not fixed,

shall hold office during the pleasure of the officer or board appointing him, and when an appointment is made to fill a vacancy in an unexpired term, the person appointed shall, if it be an appointive office, hold for the unexpired term; and if for an elective office, until the next succeeding general municipal election, at which time the office shall be filled for the balance of the term by an election'.

That section 242, of said Charter shall be amended to read as follows:

'Section 242. The Mayor and Common Council may prescribe the number, qualification and compensation of the deputies, clerks, assistants, employees and attaches of the City Attorney, City Treasurer, and City Clerk. All deputies, clerks, assistants, attaches and employees of the City Attorney, City Clerk and City Treasurer shall be appointed by the respective officers with the consent and approval of the Mayor and Common Council, and shall hold office at the pleasure of the officers appointing them'.

Employees
of attorney,
treasurer
and clerk.

And the said S. B. W. McNabb, as Mayor and chief executive of said City, and John H. Osborn, as Clerk of said City, and the Mayor and Common Council of said City, do hereby further CERTIFY that they have this day carefully compared the foregoing and proposed ratified amendment to the Charter of the City of San Bernardino, with the original submission thereof, and said Ordinance No. 1113, and the proceedings of the Common Council of said City, on file and of record in the office of said City Clerk, subsequent to the passage of said Ordinance, and from said comparison and examination, they find and hereby CERTIFY that the foregoing contains a true, full, exact and correct copy of said Charter Amendment to said Charter of said City of San Bernardino, as ratified aforesaid.

Certificate.

And we further hereby CERTIFY that the facts set forth in the preamble of this certificate preceding said amendment to said Charter and each of them is true.

And, for and on behalf of said City, we, being hereinbefore duly authorized, do hereby request the Legislature of the State of California to adopt said 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 twelfth day of January, 1925.

[SEAL]

S. B. W. McNABB,
Mayor and chief executive of the
City of San Bernardino.

Attest: J. H. OSBORN,
City Clerk of the City of San Bernardino,
and ex officio Clerk of the Mayor and
Common Council of said City of San
Bernardino.

Approval by
legislature.

WHEREAS, Said proposed amendment to the charter of the city of San Bernardino have been submitted to the legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, in accordance with the provisions of section seven and one-half of article eleven of the constitution of the State of California; now, therefore, be it

Resolved by the senate of the State of California, the assembly thereof concurring, a majority of all the members elected to each house voting for the adoption of the resolution and concurring therein, That said amendment to the charter of the city of San Bernardino, as proposed, adopted and ratified by the electors of the said city of San Bernardino, and as hereinbefore set forth be, and the same is hereby approved as a whole without amendment or alteration, as an amendment to and as a part of the charter of the city of San Bernardino.

CHAPTER 14.

Senate Concurrent Resolution No. 7—Providing for the appointment of a committee to investigate and report upon the controversy between the city of Los Angeles and the county of Inyo involving the taking of the waters of Inyo county by the said city of Los Angeles.

[Filed with Secretary of State January 27, 1925.]

Investigation
of Los
Angeles-Inyo
controversy.

WHEREAS, Certain differences have arisen between the city of Los Angeles and the people of the county of Inyo touching the question of the appropriation and diversion of the waters of Inyo county by and to the said city of Los Angeles; and

WHEREAS, In order to avoid and prevent friction between the two said communities over said question and to settle, if possible, the friction caused thereby and to better inform this legislature as to the said questions, it is advisable that a committee be appointed to study said several matters and to report back its findings after the constitutional recess;

Resolved by the senate of the State of California, the assembly thereof concurring, That a committee consisting of two members of the senate and two members of the assembly be appointed by the president of the senate and the speaker of the assembly, respectively, and a fifth member to be selected by the members of said committee appointed by the said president and speaker to investigate said aforementioned questions and to report back its findings to this legislature as soon after said constitutional recess as may be convenient;

Resolved, further, That the expenses of said investigation be borne equally by said Inyo county and said city of Los Angeles in a sum not to exceed seven hundred fifty dollars each, to be paid as required to the chairman of said committee who shall render an itemized statement of its expenditures to each of said contributors;

Resolved, That in the event that either the said city of Los Angeles or the said county of Inyo shall fail, refuse or neglect to bear its share of said expense as aforesaid, the other party may, at its option pay the entire expense;

Resolved, further, That said committee shall proceed at once to organize by the election of one of its members as chairman, and by the selection of a secretary, and when satisfactory financial arrangements have been made to defray the expense of said investigation, as herein provided, and not otherwise, said committee shall proceed with said investigation in the manner to be determined by said committee. Be it further

Resolved, That said committee is hereby authorized and empowered to do any and all things necessary to make a full and complete investigation of the matters and objects hereinbefore referred to, and that it be authorized to employ such clerical and other help and assistance as said committee shall deem necessary, and said committee is hereby authorized and empowered to require the production of persons, books, agreements, documents, records and papers of every kind, 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 of the provisions of article eight of chapter two, title one, part three of the Political Code of the state relative to the attendance and assemblage of witnesses before the legislature and committees thereof, shall apply to the committee appointed under this resolution. That said committee be and is hereby given leave to sit during the legislature and during the recess, either at the capitol, or at such other place, or places, as said committee shall from time to time designate.

CHAPTER 15.

Senate Concurrent Resolution No. 8—Relative to reports of the department encampment of the Grand Army of the Republic.

[Filed with Secretary of State January 27, 1925.]

Resolved by the senate, the assembly concurring, That there shall be printed as a public document five hundred copies of the fifty-eighth session of the department encampment of the Grand Army of the Republic for the year 1925, and of each succeeding department encampment, together with illustrations, copies of general orders of the department and of the official rolls, two hundred fifty copies for the use of the senate and two hundred fifty copies for the use of the assembly. Annual cost not to exceed six hundred dollars, payable from legislative printing appropriation.

Reports of
G. A. R.

CHAPTER 16.

Senate Concurrent Resolution No. 9—Relative to interpretation of the motor vehicle act.

[Filed with Secretary of State January 27, 1925.]

Headlights
on motor
vehicles.

WHEREAS, The legislature, during its session of 1923, passed an act known as the vehicle act, and

WHEREAS, Said act provided as follows:

“Nothing in this act shall be construed as preventing the use on a motor vehicle of any headlight, lamp, device or equipment heretofore approved by the division until December 31, 1924, unless such approval is revoked in accordance with the provisions hereof. After December 31, 1924, it shall be unlawful to use on any highway in this state any headlight lamp, device or equipment which shall not have been approved by the division as in this act provided.”

And

WHEREAS, The state motor vehicle department has so construed said act as to compel the installation of certain lighting devices on cars, manufactured prior to 1919, which are now lighted from their magnetos, which said installation will cause the expenditure of a large sum of money upon cars of small value used principally in the daytime by farmers and laborers in commercial pursuits; and

WHEREAS, It is proposed by certain members of the legislature to introduce for the consideration of this legislature certain amendments to the vehicle act relating to the lighting provisions thereof; therefore, be it

Resolved by the senate, the assembly concurring, That it be the sense of this legislature that the provisions of said section herein quoted be extended by the motor vehicle department to September 1, 1925, in so far as it applies to cars manufactured prior to 1919 where the same are lighted from their magnetos; and be it further

Resolved, That, it be the sense of this legislature that no requirements as to lighting facilities other than equipment heretofore approved on the division be required as to cars manufactured prior to 1919 as a prerequisite for registration of said cars for the year 1925.

Resolved, That a copy of this resolution be forwarded to the superintendent of the motor vehicle department of the State of California.

CHAPTER 17.

Senate Concurrent Resolution No. 12—Relative to a Southern Branch of the University of California.

[Filed with Secretary of State January 27, 1925.]

WHEREAS, The students in attendance at the Southern Branch of the University of California have increased from one thousand eight hundred in one thousand nine hundred twenty, when President Barrows made his earnest plea for help, to five thousand forty-two, the present enrollment; and

Site for
Southern
Branch of
University.

WHEREAS, The like crowded condition prevails in every other collegiate institution in southern California, an instance of which may be given in the case of Pomona, which has accommodations for seven hundred fifty students, but had applications from two thousand desiring admission at the opening last September; and

WHEREAS, The Southern Branch is at present quartered in the old normal school buildings, on a fifteen-acre tract in the city of Los Angeles, which, by reason of its small size, and the high valuation of surrounding contiguous territory is eliminated from practical consideration for further development; and

WHEREAS, At the instigation of a site committee composed of representatives of Farm Bureaus, Chambers of Commerce, Women's Clubs, Rotary and Kiwanis Clubs from every section of southern California, some thirteen different site offers have been prepared for presentation to the regents of the University of California, these sites containing from two hundred to one thousand three hundred acres each; and

WHEREAS, Recent investigations have revealed the probability that, in case an adequate site is selected, where all undergraduate college degrees may be conferred upon one campus, beautifully laid out from architectural and scientific standpoints, many wealthy citizens of California are waiting to contribute toward buildings and equipment; and

WHEREAS, There is to be a meeting of the board of regents of the University on Tuesday, February tenth, one thousand nine hundred twenty-five, in Los Angeles, at which the matter of possible sites is to be considered; therefore be it

Resolved by the senate, the assembly concurring. That the legislature of the State of California at its forty-sixth session do respectfully request the board of regents of the University to give a hearing to proponents of the respective sites.

Resolved, That the president of the senate be requested to present these resolutions, as our petition to the board of regents at their meeting on Tuesday, February the tenth, in Los Angeles.

CHAPTER 18.

Assembly Concurrent Resolution No. 4—Relative to joint rules of senate and assembly.

[Filed with Secretary of State January 27, 1925.]

Resolved by the assembly, the senate concurring, That the following be adopted as the joint rules of the two houses of the legislature for its forty-sixth session:

JOINT RULES OF SENATE AND ASSEMBLY.

COMMITTEES AND COMMITTEE MEETINGS.

STANDING COMMITTEES.

Standing committees.

1. Subject to the right of either house to appoint additional committees, the following standing committees shall be appointed in the senate and assembly, the number of members and the manner of selection to be determined by the rules of each house:

- (1) Agriculture.
- (2) Banking.
- (3) Commerce and navigation.
- (4) Corporations.
- (5) County government.
- (6) Drainage, swamp and overflowed lands.
- (7) Education.
- (8) Elections.
- (9) Federal relations.
- (10) Finance in the senate and ways and means in the assembly.
- (11) Fish and game.
- (12) Hospitals and asylums.
- (13) Insurance.
- (14) Irrigation.
- (15) Judiciary.
- (16) Labor and capital.
- (17) Military affairs.
- (18) Mines and mining.
- (19) Municipal corporations.
- (20) Oil industries.
- (21) Prisons and reformatories.
- (22) Public health and quarantine.
- (23) Public morals.
- (24) Public utilities.
- (25) Revenue and taxation.
- (26) Roads and highways.
- (27) Rules.

JOINT COMMITTEES.

Joint committees.

2. Joint standing committees of senate and assembly shall be appointed as follows:

- (1) Committee on revision and printing, to consist of three
- (3) members from the senate and five (5) from the assembly.

(2) Committee on joint rules, to consist of the members of the rules committee of each house.

JOINT MEETING OF COMMITTEES.

3. Whenever any bill has been referred by the senate to one of its committees, and the same or a like bill has been referred by the assembly to one of its committees, the chairmen of the respective committees, when in their judgment the interests of legislation or the expedition of business will be better served thereby, shall arrange for a joint meeting of their committees for the consideration of such bill.

BILLS AND RESOLUTIONS.

SCOPE OF WORD "BILL."

4. Whenever the word "bill" is used in these rules it shall include constitutional amendments, joint and concurrent resolutions. "BILL."

JOINT AND CONCURRENT RESOLUTIONS.

5. Joint resolutions are those which relate to matters connected with the federal government. All other resolutions relating to matters to be treated by both houses of the legislature are concurrent resolutions. Joint and concurrent resolutions.

RESOLUTIONS TREATED AS BILLS.

6. Joint resolutions, concurrent resolutions and constitutional amendments shall be treated in all respects as bills; except that they shall be read but one time in each house, and that they shall not be deemed bills within the meaning of section two of article four of the constitution and shall not be referred to the committee on introduction of bills, and shall not require a vote to authorize their introduction. As in the case of bills, they shall be engrossed in the house in which they originate before being voted upon. Resolutions treated as bills.

PREPARATION AND INTRODUCTION OF BILLS.

TITLE OF BILL.

7. The title of every bill introduced shall convey an accurate idea of the contents of the bill and shall be indicative of the scope of the act and the object to be accomplished. In amending a code section, the mere reference to the section by number shall not be deemed sufficient. Title.

DIVISION OF BILL INTO SECTIONS.

8. Bills amending more than one section of existing laws shall contain a separate section for each section amended. Sections.

Bills which are not amendatory of existing laws shall be divided into short sections, where this can be done without destroying the sense of any particular section, to the end that future amendments may be made without the necessity of setting forth and repeating sections of unnecessary length.

CHANGES FROM EXISTING LAWS TO BE MARKED BY AUTHOR.

Changes
marked.

9. In case of a bill amending a code section, or general law, all omissions must be shown by the insertion of heavy parentheses or brackets without including the omitted matter; all additions must be shown by underlining the new matter. When printed, the new matter so underlined shall be enclosed in heavy brackets in the printed bill and also heavy brackets shall be retained to show omissions.

COMMITTEE ON REVISION AND PRINTING TO EXAMINE BILLS WHEN INTRODUCED.

Committee
on revision
and printing
to examine
bills.

10. Unless otherwise ordered by the house in which the bill was introduced, all bills before being printed shall be immediately sent to the committee on revision and printing, which shall examine the bill, with the aid of the legislative counsel bureau. The committee, by and with the written assent of the author filed with it, shall have authority to correct any clerical error such as in orthography, adding or correcting the enacting clause, mistakes in numbering sections and references thereto, errors in grammar, phraseology, or in the form of the bill; *provided*, that no bill which bears the stamp of the legislative counsel bureau showing that before introduction it has been examined as to form, shall be sent to the committee on revision and printing.

NOTE—The submission of bill copy to legislative counsel bureau for approval of form before introduction will expedite its course.

BILLS INTRODUCED TO INDICATE CHANGES IN EXISTING LAWS.

Rules to be
observed.

11. The committee on revision and printing shall see to it that rules seven and nine of these joint rules are observed by the author, and that the bill shall not be sent to the printer until the provisions of these rules have been carried out.

REPORTS OF COMMITTEE ON REVISION AND PRINTING.

Reports of
committee.

12. The committee on revision and printing shall return to the secretary of the senate or chief clerk of the assembly all bills in the order in which they were sent to it, but shall not retain any bill for longer than three legislative days, unless otherwise ordered.

ENDORSEMENT OF DATE OF INTRODUCTION.

Endorsement.

13. Bills introduced in either house shall be endorsed with the date of introduction.

PRINTING AND DISTRIBUTION OF BILLS.

MANNER OF PRINTING BILLS, ETC.

Manner of
printing
bills, etc.

14. The state printer shall observe the following directions in printing all bills, constitutional amendments, joint and concurrent resolutions:

(a) The body of such bills and resolutions shall be printed in solid unspaced form so that the same type shall be used both before and after enrollment.

(b) All titles of bills, resolutions, etc., shall be set in italics, statute form, and the length of the lines used in the bills shall not exceed that of the body of the bill.

(c) The lines of all printed bills shall be numbered by page and not by sections, and amendments shall be identified by reference to title, page and line only; *provided, however*, that concurrent resolutions approving city or county or city and county charters or amendments thereto may be set in smaller type and without line numbers.

(d) Enrolled bills may be inclosed in stock cover.

PRINTING OF AMENDMENTS.

15. All bills amended by either house shall be immediately reprinted; in the case new matter is added by the amendments, such new matter shall be inclosed in heavy parentheses in the printed bill, and in the case of matter being omitted, the omission shall also be indicated by heavy parentheses. When a bill is amended in either house, the first or previous markings, except that showing change from code provision or former law, shall be omitted. When a bill amendatory of a code section is engrossed, all figures or symbols shall be removed.

Printing of amendments.

DISTRIBUTION OF BILLS DURING CONSTITUTIONAL RECESS.

16. All requests for mailing or distribution by the members shall be filed with the secretary of the senate or chief clerk of the assembly, who shall compile the same with the elimination of duplication as a general mailing list. The distribution of bills, constitutional amendments, joint and concurrent resolutions shall be systematized as follows: Members' desks and legislative officers' files one hundred fifty full sets; to authors fifty copies of their own bills; accredited newspaper representatives twenty-five; to public and law libraries, newspapers, county officials, and other civic, commercial, fraternal or industrial organizations as the secretary of the senate and chief clerk of the assembly may compile from the recommendations of the members of both houses, one thousand two hundred copies; to state officers, state library and secretary of state, two hundred copies; to legislative committees, bill room files and public requests—confined to single copies of bills designated, one thousand copies. The state printer shall cause to be printed in the standard form adopted by the senate and the assembly as many copies of all bills, constitutional amendments and joint or concurrent resolutions as may be necessary to conform to the provisions of this rule.

Distribution of bills during constitutional recess.

A similar number and distribution shall be made of the semi-final history and final calendar.

DISTRIBUTION OF BILLS AFTER CONSTITUTIONAL RECESS.

Subsequent
distribution
of bills.

17. Following the recess, new bills introduced shall be forwarded to the public libraries and law libraries only, and one copy each of amended bills as may be requested. Weekly histories and journals shall be distributed generally, following the recess, upon such schedule as the secretary of the senate and chief clerk of the assembly may designate.

OTHER LEGISLATIVE PRINTING.

PRINTING OF THE DAILY JOURNAL.

Printing
of daily
journal.

18. The state printer shall print one thousand copies of the journal of each day's proceedings of each house; at the end of the session he shall also print a sufficient number of copies, properly paged after being corrected and indexed by the secretary of the senate and chief clerk of the assembly, to bind in book form as the journal of the respective houses of the legislature as required by law.

WHAT SHALL BE PRINTED IN THE JOURNAL.

Contents
of journal.

19. The following shall always be printed in the journal of each house:

(a) Messages from the governor and messages from the other house, and the titles of all bills, joint and concurrent resolutions and constitutional amendments when introduced in, offered to, or acted upon by the house, and the title and text of joint and concurrent resolutions and constitutional amendments when adopted by the house; *provided*, that in the case of a concurrent resolution approving the adoption of a charter or charter amendments of any kind, the text of such charter or charter amendments need not be printed in the journal.

(b) Every vote taken in the house, and a statement of the contents of each petition, memorial, or paper presented to the house.

(c) A true and accurate account of the proceedings of the house, when not acting as a committee of the whole.

PRINTING OF THE DAILY FILE.

Printing
daily file.

20. A daily file of bills ready for consideration shall be printed each day for each house, and copies of the file of each house shall be distributed each day to all of the members of both houses.

PRINTING OF HISTORY.

Printing
history.

21. Each house shall cause to be printed on Monday of each week, during the session, a complete history of all bills, joint or concurrent resolutions and constitutional amendments originating in, or acted upon by the respective houses.

Such history shall show the action taken upon each measure up to and including the legislative day preceding its issuance.

For each legislative day intervening there shall be printed a supplementary history showing the action taken upon any

measure since the issuance of the complete history. A regular form shall be prescribed and no other form shall be used.

Immediately following the adjournment for the constitutional recess the history shall be compiled and printed to date of recess.

AUTHORITY FOR PRINTING ORDERS.

22. The superintendent of state printing shall not print for use of either house any matter other than provided by law or by these rules, except upon a written order signed by the secretary of the senate or the chief clerk of the assembly. The secretary of the senate and the chief clerk of the assembly may also, when necessity requires it, order certain matter printed in advance of the regular order, by the issuance of a rush order.

Authority
for printing
orders.

RECORD OF BILLS.

SECRETARY AND CHIEF CLERK TO KEEP REGISTER.

23. The secretary of the senate and the chief clerk of the assembly shall keep a register, in which shall be recorded every action taken by the senate and assembly on every bill, concurrent or joint resolution, or constitutional amendment.

Register.

SECRETARY AND CHIEF CLERK SHALL ENDORSE BILLS.

24. The secretary of the senate and the chief clerk of the assembly shall endorse on every original bill a statement of any action taken by the senate and assembly.

Endorsing
bills.

ACTION IN ONE HOUSE ON BILL TRANSMITTED FROM THE OTHER.

BILLS READ AND REFERRED TO COMMITTEE.

25. When a senate bill has been received by the assembly or an assembly bill by the senate, with a message announcing that the same has passed the senate or assembly, such bill shall be read the first time by the secretary or the chief clerk and referred to a standing committee by the presiding officer, unless otherwise ordered by the house.

Bills read
and referred.

AFTER A BILL HAS BEEN PASSED BY THE SENATE OR ASSEMBLY.

26. When a bill (if it be a senate bill) has been received from the senate by the assembly, after its passage, or (if it be an assembly bill) has been received from the assembly by the senate after its passage, it shall be taken up by the senate or assembly, as the case may be, under the regular order of business ("senate messages" or "assembly messages"), read the first time, unless otherwise ordered by the house, and shall then be assigned to the proper committee, unless otherwise ordered, who shall act upon the same as soon as practicable, and report the same back to the senate or assembly forthwith, and the chairman of each committee is charged with observance of this rule.

After bill
has passed
one house.

SPECIAL FILE.

27. On the second day after the close of the recess provided for in section two, article four of the constitution, the senate

Special file.

and assembly shall each adopt and provide a special file upon which shall be placed: In the senate, only assembly bills that have passed the assembly; and in the assembly, only senate bills that have passed the senate. Such special file shall be taken up at two o'clock p.m. of each day in the assembly and at two o'clock and thirty minutes p.m. of each day in the senate and be considered at least one hour and a half after being so taken up unless its consideration shall be completed in a lesser period of time. This rule shall not be suspended in either house except by a three-fourths vote of such house.

**REPORTS FROM ONE HOUSE TO THE OTHER AS TO ACTION ON BILL,
BILL OR RESOLUTION IN ONE HOUSE, REJECTED IN THE
OTHER, REQUIRES NOTICE.**

Notice of
rejection.

28. When a bill or resolution which shall have passed one house is rejected by the other, notice thereof shall be given immediately to the house in which the same shall have passed.

EACH HOUSE TO TRANSMIT PAPERS.

Transmittal
of papers.

29. Each house shall transmit to the other papers on which any bill or resolution shall be founded.

NOTICES TO BE IN WRITING UNDER PROPER SIGNATURES.

Notices in
writing and
signed.

30. Notice of the action of either house to the other shall be in writing, and under the signature of the secretary of the senate or the chief clerk of the house from which such notice is to be conveyed.

SECRETARY, CHIEF CLERK, ETC., TO DISPATCH MESSAGES.

Dispatch
of messages.

31. Messages shall be sent to the other house by an officer or attache to be designated by the secretary, if it be a senate message, or by the chief clerk if it be an assembly message.

MESSAGES MUST BE ANNOUNCED BY THE SERGEANT-AT-ARMS.

Announce-
ment of
messages.

32. When a message shall be sent from either house it shall be announced at the door by the sergeant-at-arms, and shall be respectfully communicated to the presiding officer by the person by whom it may be sent.

PASSAGE AND ENROLLING OF BILLS.

PASSAGE OF BILLS TAKING EFFECT IMMEDIATELY.

Bills to
take effect
at once.

33. Each house shall act in the usual course upon all bills that may be made to take effect immediately, under the provisions of section one, article four of the constitution.

PASSAGE OF URGENCY PROVISIONS IN BILLS.

Passage
of urgency
provisions.

34. Upon the third reading of an act which is an urgency measure within the meaning of section one, article four of the state constitution, the presiding officer shall direct that the section of said act setting forth the facts constituting the necessity for such urgency (which shall be known as the urgency section) be then read and put to vote. The question

shall be thus stated: "Shall this section setting forth the urgency features of this bill be passed?" If upon such final vote two-thirds of all the members elected to the house in which the vote is being taken shall not vote in the affirmative, no further action shall be taken on the bill; but, in case an identical bill without such an emergency clause be again introduced into such house, such bill shall be placed on file without reference to any committee.

PASSAGE OF BILLS PRECEDING FINAL ADJOURNMENT.

35. No senate bill shall be passed by the senate and no assembly bill shall be passed by the assembly within seven days of the time set for adjournment sine die of the two houses of the legislature, unless permission to vote on such bill shall be granted by a three-fourths vote of the house of its origin after being recommended by the presiding officer thereof.

Passage of bills preceding final adjournment.

ENROLLMENT OF BILL AFTER PASSAGE.

36. After a bill shall have passed both houses, it shall be duly enrolled after being carefully compared, by the engrossing and enrolling clerk and committee of the house in which it originated, with the engrossed bill, as passed in the two houses. It shall then receive the signatures provided for in joint rule 37, and be presented to the governor of the state.

Enrollment.

ENROLLING COMMITTEE TO PRESENT BILLS TO GOVERNOR.

37. After a bill shall have been thus passed in each house, it shall be presented by the engrossing and enrolling committee of the house in which it originated to the governor of the state for his approval (it being first endorsed by the presiding officers of the two houses, and by the secretary of the senate and the chief clerk of the assembly). The said committee shall report the day of presentation to the governor, which time shall be carefully entered on the journal of the house in which the bill originated.

Presentation of bill to governor.

AMENDMENTS AND CONFERENCES.

AMENDMENTS TO AMENDED BILLS MUST BE ATTACHED.

38. Whenever a bill or resolution which shall have been passed in one house shall be amended in the other, it shall immediately be reprinted as amended by the house making such amendment or amendments. Such amendment or amendments shall be attached to the bill or resolution so amended, and indorsed "adopted," and such amendment or amendments, if concurred in by the house in which such bill or resolution originated, shall be indorsed "concurred in," and such indorsement shall be signed by the secretary or assistant secretary of the senate, or the chief clerk or assistant clerk of the assembly, as the case may be; *provided, however*, that an amendment to the title of a bill adopted after the passage of such bill shall not necessitate reprinting, but such amendment must be concurred in by the house in which such bill originated.

Amendments to amended bills to be attached.

TO CONCUR OR REFUSE TO CONCUR IN AMENDMENTS.

To concur or
to refuse to
concur in
amendments.

39. In case the senate amend and pass an assembly bill, or the assembly amend and pass a senate bill, the senate (if it be a senate bill) or the assembly (if it be an assembly bill) must either "concur" or "refuse to concur" in the amendments. If the senate concur (if it be a senate bill), or the assembly concur (if it be an assembly bill), the secretary or chief clerk shall notify the house making the amendments and the bill shall be ordered to enrollment.

WHEN SENATE OR ASSEMBLY REFUSE TO CONCUR.

When other
house refuses
to concur.

40. If the senate refuse to concur (if it be a senate bill), or the assembly refuse to concur (if it be an assembly bill), the secretary or the chief clerk shall notify the house making the amendments of such refusal, and ask that they recede from their amendments. If they refuse to recede, the presiding officer shall appoint a committee of three (3) on conference and the secretary or the chief clerk shall immediately notify the other house of the action taken and request the appointment of a like committee. Two of the members comprising such committee from each house shall be selected from those voting with the majority on the point about which the difference has arisen, and the other member from each house of such committee shall be selected from the minority, in the event there is a minority vote. The first senator named on the conference committee shall act as chairman of the committee from the senate, and the first assemblyman named on such committee shall act as chairman of the committee from the house, and the chairman thus selected shall arrange the time and place of all meetings and prepare or direct the preparation of reports. The committee on conference shall report to both the senate and assembly.

COMMITTEE ON CONFERENCE.

Committee
on
conference.

41. In every case of an amendment of a bill agreed to in one house and dissented from in the other, if either house shall request a conference and appoint a committee to confer, the other house shall appoint a like committee; and such committee shall meet at a convenient hour, to be agreed upon by the respective chairmen of the committees.

COMMITTEE ON FREE CONFERENCE.

Committee
on free
conference.

42. If the conference fail to agree or either house refuse to adopt the report of the committee, a committee on free conference shall then be appointed, which shall consist of three members from each house, to be constituted and appointed in the same manner as a committee on conference. The committee on free conference is hereby directed to include in its report any amendments which it may adopt as a committee, and such amendments shall be attached to the bill.

The report of the committee on free conference shall not be subject to amendment, and if either house refuse to adopt such

report the conferees may be discharged and other conferees appointed.

It shall require the affirmative vote of not less than four of the members constituting the committee to agree upon a report. No member who has served on a committee on conference shall be appointed a member of a committee on free conference on the same bill.

WHEN CONFERENCE COMMITTEE REPORT IS IN ORDER.

43. The presentation of the report of a committee on conference or free conference shall always be in order, except when the journal is being read or a question of order or a motion to adjourn is pending, or during roll call, and, when received, the question of proceeding to the consideration of the report, if raised, shall be immediately passed upon, and shall be determined without debate.

When conference committee report is in order.

MISCELLANEOUS PROVISIONS.

44. The committee on joint rules shall be empowered to compile a list of suggestions as to the form of bills and resolutions prepared for introduction into the legislature.

Miscellaneous provisions.

PRESS RULES.

45. A person desiring recognition by the senate or assembly as a newspaper correspondent shall make application in writing to the president of the senate or speaker of the assembly.

Press rules.

(a) The applicant shall state in writing the name of the newspaper or newspapers he represents and that he is not engaged, and will not become engaged as a lobbyist for any person, copartnership, corporation or interest and that he is not and will not become the agent or representative of any person, copartnership, organization or corporation in advocating or attempting to defeat any measure pending in either branch of the legislature, that he is not employed in any executive, administrative or legislative department of the state government and will not become so employed while accepting the privileges of a press representative.

(b) It shall be the duty of the president of the senate and the speaker of the assembly to assign one or more rooms for the exclusive use of correspondents during the legislative session, which room shall be known as the press room. The press room shall be under the control of the superintendent of the capitol building and grounds; *provided*, that all rules and regulations shall be approved by the president of the senate and speaker of the assembly.

ADJOURNMENT.

46. Adjournment for the constitutional recess and adjournment sine die shall be made only by concurrent resolution; and the resolution for adjournment sine die shall be passed by both houses at least fourteen days before the date of such adjournment.

Adjournment.

JOINT ADDRESS TO GOVERNOR.

Joint address
to governor.

47. When the senate and assembly shall judge it proper to make a joint address to the governor, it shall be presented to him in his audience chamber by the president of the senate in the presence of the speaker of the assembly and a select committee of six members from each house appointed by the respective presiding officers.

DISPENSING WITH JOINT RULES.

Dispensing
with joint
rules.

48. No joint rule shall be dispensed with except by a vote of two-thirds of each house; and joint rules twenty-seven and thirty-five can be dispensed with only in the manner provided for in said joint rules. If either house shall violate a joint rule a question of order may be raised in the other house and decided in the same manner as in the case of the violation of the rules of such house; and if it shall be decided that the joint rules have been violated, the bill involving such violation shall be returned to the house in which it originated, without further action. Or. at the option of such house, the president or speaker may direct the secretary or the chief clerk to mark the section or sections in conflict with the rules as nonconcurring in or negatived.

CHAPTER 19.

Assembly Concurrent Resolution No. 6—Relative to requesting the state athletic commission of California to give preference to any post of the American Legion or any other duly recognized organization of veterans of any war of the United States in the matter of granting boxing or wrestling permits.

[Filed with Secretary of State January 27, 1925.]

Preference
to American
Legion.

Resolved by the assembly of the State of California, the senate thereof concurring, That, other things being equal, the state athletic commission be and the same is hereby requested to give preference to posts of the American Legion, or any other duly organized veterans' organization, in granting permanent boxing permits.

Resolved, further, That a copy of this resolution be sent to each of the members of the said athletic commission of California and a copy to the governor of the State of California.

CHAPTER 20.

Assembly Concurrent Resolution No. 8—Approving the charter of the city of Compton, State of California, ratified by the qualified electors of said city, at a special election held therein, on the ninth day of December, 1924.

[Filed with Secretary of State January 27, 1925.]

Compton
city charter.

WHEREAS, The city of Compton, in the county of Los Angeles, State of California, is now and at all times herein referred to,

was a city containing a population of more than three thousand five hundred inhabitants as ascertained by a census duly taken by the said city of Compton, under the provisions of act 555 of the general laws of the State of California; and

WHEREAS, Said city of Compton is now and at all times herein mentioned, was a municipal corporation duly organized and existing under the general laws of the State of California, as a city of the sixth class; and

WHEREAS, Proceedings have been duly had in and by the said city of Compton for the preparation, proposal, adoption and ratification of a charter for the government of said city of Compton, all as set out in the following certificate of the president of the board of trustees and the city clerk of said city of Compton, to wit:

State of California
County of Los Angeles } ss.
City of Compton

We, the undersigned, C. A. Dickison, President of the Board of Trustees of the City of Compton, State of California, and Maude Hecock, City Clerk of the said City of Compton, do hereby certify and declare as follows:

That the City of Compton, in the County of Los Angeles, Certificate.
State of California is now and at all times herein referred to, was a city containing a population of more than thirty-five hundred inhabitants, as ascertained by the last census taken under and by virtue of the authority of Act 555 of the General Laws of the State of California; that said census was duly taken under and by the authority of a census taken duly appointed by the said Board of Trustees of said City and said census was duly filed with the city clerk of the said City of Compton, on the eleventh day of February, 1924; That thereupon the said city clerk duly made and certified a true copy of said census which was duly filed with the Secretary of State of California.

That said City of Compton is now and at all times herein mentioned was duly organized and existing under the General Laws of the State of California, as a City of the sixth class.

That pursuant to the provisions of Section eight of Article eleven of the Constitution of the State of California, the board of Trustees of the City of Compton, which was then and there the legislative body of said City did by a two-thirds vote of all its members pass a resolution submitting to the electors of said City the proposition of choosing a body of fifteen freeholders to prepare and propose a charter for the government of said City of Compton which said proposal for choosing said board of fifteen freeholders was duly submitted to the voters of the said city of Compton at the general municipal election of the said City of Compton, held on the 14th day of April, 1924 and said board of trustees gave due notice of said election as required by law; That at said election

held on said 14th day of April, 1924, a board of fifteen freeholders was chosen by the electors of said city to prepare and propose a charter for the government of said city, the names of said freeholders being as follows:

CHARLES E. WOOD	MAY A. CARSON
DELLA W. JONES	ROSCOE C. NEEL
MAGGIE M. LEE	JOHN H. STOCKWELL
MATTIE B. BENNETT	VAN CRUM
JOSEPH H. DIMMLER	HARRY A. CHAFFEE
LOYD J. KELLY	CLARENCE A. DICKISON
BAZIL T. ROZELLE	RENA R. HATHORN
JOHN M. MCKEE	

That the returns of said election were canvassed and the result thereof declared by the board of trustees of the said city of Compton on the twenty-first day of April, 1924.

That said board of freeholders did duly qualify and take their oath of office. That before the expiration of one hundred and twenty days after the result of said election was declared the said board of freeholders did determine and declare that the period of one hundred and twenty days was insufficient time for the preparation and proposal of a charter for the government of said city and did thereupon with the consent of the legislative body of the said city of Compton to wit: The said board of trustees of the said City, extend the said period of one hundred and twenty days for an additional period of sixty days; That prior to the expiration of the said period as so extended the said board of freeholders did prepare and propose a charter for the government of the said city of Compton; which said charter was signed by thirteen members of said board of freeholders and was duly filed in the office of the City Clerk of the City of Compton, on the first day of October, 1924; And that said board of freeholders did before such filing fix and designate on said charter the ninth day of December, 1924, as the date upon which the said charter should be submitted to the electors of the city of Compton for their ratification; That thereupon said board of trustees of the said City of Compton, by an ordinance, duly called and ordered the holding of a special election in the City of Compton, on the ninth day of December, 1924 and duly gave notice of the holding of said election as required by law, at which said election there was submitted to the qualified electors of said City the question whether said proposed charter, prepared and filed by said board of freeholders should be ratified and adopted as the charter for the government of the City of Compton. That said board of trustees duly caused said charter to be published as required by law, by one insertion in the Compton News which was then and there a newspaper of general circulation, published and circulated in the said city and the official paper of said city; That said board of trustees caused copies of said charter to be printed in convenient pamphlet form and kept in the

office of the city clerk of said city and did advertise a notice in the following newspapers of general circulation, published and circulated in said City of Compton to wit: In the Compton News and in the Compton Tribune, that such copies of said charter could be had from the City Clerk upon application therefor.

That said election was duly and regularly held in the said city of Compton on the ninth day of December, 1924 and that at said election a majority of the qualified electors voting thereat voted in favor of such proposed charter and for the ratification and adoption thereof.

That the board of trustees of the said city of Compton at a meeting thereof held as required by law, duly canvassed the returns of said election and duly found, determined and declared that a majority of said electors voting thereat had voted in favor of such proposed charter and for the ratification and adoption thereof, and that the same was ratified by a majority of the qualified electors of the said city of Compton.

That said charter so prepared, proposed, filed and ratified as herein set forth together with the signatures of said board of freeholders attached thereto and in words and figures as follows to wit:

PROPOSED CHARTER OF THE CITY OF COMPTON, CALIFORNIA

Prepared and proposed by a Board of Freeholders,
Elected April 14, 1924.

ARTICLE I.

SECTION 1. The territory of the City of Compton shall be that contained within its present boundaries as now established with the power and authority to change the same in the manner provided by law. Boundaries.

SECTION 2. The City shall be divided into four districts by Main Street from the East to West city limits and by the Pacific Electric Railway from the North to the South city limits. Districts.

SECTION 3. All that territory, within the city limits, lying North of Main Street and West of the Pacific Electric Railway, shall be known as District No. 1; all that territory, within the city limits, lying North of Main Street and East of the Pacific Electric Railway, shall be known as District No. 2; all that territory, within the city limits, lying South of Main Street and West of the Pacific Electric Railway, shall be known as District No. 3; all that territory, within the city limits, lying South of Main Street and East of the Pacific Electric Railway, shall be known as District No. 4.

ARTICLE II.

SECTION 1. The City of Compton as successor in interest of the municipal corporation of the same name, heretofore created Succession.

and existing shall own, hold, possess, use, lease, control, and in every way succeed to and become the owner of all rights and all property of every kind and nature by said existing municipal corporation owned, controlled, possessed, or claimed, and shall be subject to all the debts, obligations, liabilities, dues and duties of said existing corporation.

ARTICLE III. POWERS OF CITY.

General
powers.

SECTION 1. The City of Compton, a municipal corporation, shall after the adoption of this charter, continue its existence as such municipal corporation, and under the corporate name, CITY OF COMPTON, shall have, possess and exercise all powers and rights vested in said City of Compton, under this charter and the Constitution of California and the laws of the state, and all powers which a municipal corporation may lawfully possess or exercise under the Constitution of this State. The City of Compton shall have the right and power to make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in this charter; provided, that nothing herein shall be construed to prevent or restrict the City from exercising or consenting to, and the City is hereby authorized to exercise any and all rights, powers, and privileges heretofore or hereafter granted or prescribed by the general laws of the State; provided, also, that where the general laws of the State provide a procedure for the carrying out and enforcement of any rights or powers belonging to the City, said procedure shall control and be followed unless a different procedure shall have been provided in this charter or by ordinance.

Enumeration
of powers.

SECTION 2. Without in any way or to any extent limiting or curtailing the powers hereinbefore conferred or mentioned, and for the purpose of removing all doubt concerning the exercise of powers hereinafter expressly mentioned, the City of Compton shall have power:

1. To have and use a corporate seal;
2. To sue or be sued in all courts in all actions and proceedings;
- 2a. To have perpetual succession;
3. To levy and collect taxes, and to levy and collect license taxes for both regulation and revenue;
4. To borrow money, incur municipal indebtedness, and issue bonds or other evidence of such indebtedness;
5. To acquire by purchase, bequest, devise, gift, condemnation or other manner sanctioned by law, within and without the limits of said City, property of every kind and nature for all purposes;
6. To acquire by said means, and to establish, maintain, equip, own and operate, either within or outside of the City, telephone and telegraph systems, street railways, or other means of transportation, warehouses, free markets, water-works, filtration plants, gas works, works necessary to a public utility; and to join with any other city or cities or county in the acquisition, construction and maintenance of same;

7. To have the power of ordinance to take out a permit or lease under the regulations concerning oil and gas permits, and leases and rights of way for oil and gas pipe lines in accordance with the terms and provisions of the regulations of the Department of Interior, General Land Office, United States of America, authorized by acts of Congress;

Enumeration
of powers.

8. To improve the streams and channels flowing through the City or adjoining the same, to widen, straighten and deepen the channels thereof and remove obstructions therefrom, to construct and maintain embankments and other works to protect the City from overflow and storm waters;

9. To furnish the City or its inhabitants or persons without the City any public utility service or commodity whatsoever;

10. To lease, sell, convey and dispose of any and all property herein mentioned for the common benefit;

11. To acquire, construct, operate and maintain parks, playgrounds, markets, baths, public halls, auditoriums, libraries, museums, art galleries, gymnasiums and any and all buildings, establishments, institutions and places whether situated inside or outside of the city limits which are necessary or convenient for the transaction of public business or for promoting the health, morals, education, care of the indigent or welfare of the inhabitants of the City or for their amusement, recreation, entertainment, or benefit; and to exclude all cemeteries from the limits of the City and to discontinue same;

12. To regulate the entrance to and exit from all theaters, lecture rooms, public halls, school houses, churches, and public buildings, of every kind, and to prevent the placing of seats, chairs, benches or other obstructions in the halls, aisles, or other open places therein;

13. To regulate or prohibit the operation of blasts and blastings, and the construction and operation of derricks, windlasses, or other structures, apparatus, and operations hazardous to life and property; and to regulate the operation and provide for the inspection of freight and passenger elevators, boilers, engines, dynamos and other apparatus generating steam, electricity or other power;

14. To define nuisances, and to prevent, remove and abate the same, and to provide that said nuisances may be removed or abated at the expense of the party or parties creating, causing, committing or maintaining such nuisances, and to prohibit offensive or unwholesome businesses or establishments within the City;

15. To regulate lodging, tenement and apartment houses, and to prevent the overcrowding of the same, and to require the same to be put and kept in proper sanitary condition;

16. To provide for the inspection and regulation of all dairies within the City limits, and to provide for the inspection and regulation of all dairies outside of the City limits that offer for sale or sell any of their products within the City;

17. To provide for the naming of the streets and the numbering of houses, to regulate or prohibit the exhibition of

Enumeration
of powers.

banners, flags, placards or signs across the streets, sidewalks or other public places of the City;

18. To prohibit the making up of railroad trains upon any of the streets, street crossings or street intersections of the City; to establish stands for hacks, public carriages, express wagons, and other public vehicles for hire, and regulate the charges for the use of such hacks, public carriages, express wagons and other public vehicles, and require schedules for such charges to be posted in or upon such public vehicles;

19. To prohibit the injury or interference with the ornamental trees and shrubbery in the streets and public places of the City, and to prescribe the punishment for such injury and interference;

20. To grant the right to erect or lay telegraph or telephone wires, lay conduits for transmitting the electrical energy for lighting or power purposes under the public streets or highways of the City; PROVIDED, HOWEVER, that all such rights and franchises shall be granted subject to the restrictions and limitations in this charter contained relating to the granting of franchises;

21. To restrain and prevent diseased, blind, maimed, injured or unfortunate persons from displaying their infirmities for the purpose of receiving alms;

22. To regulate street speakings or street gatherings; to regulate or prohibit the exhibition or carrying of placards, banners, or advertisements on cars or other vehicles and the distribution of handbills in the streets, public grounds or upon the sidewalks; to regulate or prohibit traffic or sales in the streets and public places; to prevent encroachments upon or obstructions to the streets and sidewalks, and to require their removal; to prevent and punish drunkenness, prize fights, and all offensive, immoral, indecent and disorderly conduct and practices in the City; to restrain and prohibit all descriptions of gambling and all fraudulent or gambling devices and practices, all playing of cards, dice and other games of chance for the purpose of gambling, the keeping or operating of card machines, slot machines or other contrivances upon or into which money or anything is staked, hazarded, deposited or paid upon chance, and the selling of pools on races, games or other exhibitions, and to authorize the destruction of all instruments used for the purpose of gambling; to restrain and punish vagrants, mendicants, lewd persons and prostitutes;

23. To make all regulations which may be necessary and expedient for the preservation of health and the suppression of diseases; to make regulations to prevent the introduction of contagious, infectious or other diseases into the City; to make quarantine laws and regulations, and to enforce the same within the City; to regulate, control and prevent the entry into the City of persons, baggage, merchandise, or other property infected with contagious diseases;

24. To provide for the sale of personal property belonging to the City which is not needed by or which is not suited for the use of the City;

*Enumeration
of powers.*

25. To prohibit and punish cruelty to animals and fowls, and to require the places where they are kept to be maintained in a healthful condition;

26. To pass ordinances upon any other subject of municipal control or to carry into force or effect any other powers of the municipality;

27. To acquire, construct and maintain all works necessary for the disposition of sewage, garbage and waste, to construct, own maintain and operate incinerating or garbage reduction plants, and to join with any other city or cities or county in the acquisition, construction and maintenance of any such works or plants;

28. To provide for the care of the indigent;

29. To establish boulevards and regulate traffic thereon;

30. To regulate the speed of railway engines, cars, trains, and of street cars, passing through or operating within the City, and to require railroad companies either to station flag-men or place sufficient automatic warning signals and signal bells at street crossings; to require street cars to be provided with fenders and other appliances for the protection of the public;

31. To regulate or control the carrying of freight through any part of the City, on, along or upon any of the streets, alleys, or places;

32. To regulate or prohibit the sale, keeping, storing, and use of powder, gasoline, fireworks, dynamite, nitro-glycerine and other explosive materials and substances, the place of their manufacture or storage, and their transportation; and to regulate the storage of hay, straw, and other inflammable materials, and the use of steam boilers, gas and gasoline engines;

33. To make, adopt and enforce all necessary rules and regulations for the protection of fire, floods and riots, and to make and enforce all such local, police, sanitary and other regulations as are deemed expedient to maintain the public peace, protect property, promote the public morals, and preserve the health of the inhabitants of the City;

34. To exercise all municipal and police powers necessary to the complete and efficient management and control of municipal property, and for the efficient administration of the municipal government, whether such powers are herein expressly enumerated or not;

35. To equip and maintain a fire department and to make all necessary regulations for the prevention of fires;

36. To grant permits to use the streets or public property, revocable at any time without notice;

37. To regulate and establish rates and charges to be imposed and collected by any person or corporation for commodities or services rendered under or in connection with any

Enumeration
of powers.

franchise, permit, or license heretofore or hereafter granted by the City, or other authority, provided that the same is not inconsistent with the Constitution of the State of California;

38. To receive devises, bequests, gifts and donations of all kinds of property, in fee simple, or in trust, for charitable or other purposes and to do all acts necessary to carry out the purposes of such devises, bequests, gifts and donations with power to manage, sell, lease, or otherwise dispose of the same in accordance with the terms of the devise, bequest, gift or donation or absolutely in case such devise, bequest or trust be unconditional;

39. To regulate, and limit the height and bulk of buildings hereafter erected, and to regulate and determine the area of yards, courts and other open spaces and for said purposes to divide the City into districts. Such regulations shall be uniform for each class of buildings throughout any district, but the regulations in one or more districts may differ from those in other districts. Such regulations shall be designed to secure safety from fire and other dangers, and to promote the public health and welfare, including, so far as conditions may permit, provision for adequate light, air and convenience of access, and shall be made with reasonable regard to the character of the buildings erected in each district, the value of land and the use to which it may be put, to the end that such regulations may promote the public health, safety and welfare;

40. 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 and 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, and materials used in and the method of construction of foundation and foundation walls, and the manner of construction and location of drains and sewers; the materials used in and the thickness and construction of party walls, partitions and outside walls, the thickness and construction of chimneys, the construction and character of bath rooms, 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 the same with water and gas; to prohibit the construction of buildings and structures which do not conform to such regulations;

41. To require the owners and lessees of buildings and other structures to place upon or in them fire escapes and appliances for protection against and the extinguishment of fire;

42. To prevent the construction and to cause the removal of dangerous chimneys, fire places, hearths, stoves, stove pipes, ovens, boilers, apparatus and machinery used in any building in

the City; to regulate the carrying on of manufactories liable to cause fire; to prevent the depositing of ashes or the accumulation of shavings, rubbish or any combustible materials, in unsafe places, and to make provisions to guard against fire;

43. No public utility owned by the City shall be sold, leased or otherwise transferred without the assent of two-thirds of the qualified voters of the City voting on the proposition at an election at which such proposition shall be submitted;

ARTICLE IV. OFFICERS, DEPUTIES AND EMPLOYES AND
THEIR COMPENSATION.

SECTION 1. The officers of the City of Compton shall be five members of the Council, one to be chosen from each of the four districts and elected by the entire City, and one who shall be chosen at large and be elected by the entire City and who shall be the Mayor; five members of the Board of Education, five Library Trustees, a City Assessor, a City Tax Collector, a City Manager, a City Comptroller, a City Clerk, a City Treasurer, a City Attorney, a City Engineer, a Street Superintendent, a Superintendent of Buildings, a Police Judge, a Chief of Police, a Fire Chief, and a Health Officer, provided, that the City Council shall combine the offices of Street Superintendent and City Engineer, and the office of Comptroller may be left vacant until such time as a Comptroller may be deemed necessary. The Council may also provide by ordinance for additional officers and for the duties thereof, and for additional duties of officers herein provided for, but in no such manner as to encroach upon the duties of any officer provided for by this charter. The Council may also provide by ordinance for such subordinate officers, assistants, deputies, clerks, and employes in the several offices and departments as they deem necessary. The members of the Council, the members of the Board of Education, the City Treasurer, the City Attorney, the Police Judge, and the City Clerk shall be elected from the City as in this charter provided, provided, however, that all qualified electors of the Compton City School District shall also have the right to vote for members of the Board of Education. All other officers, assistants, deputies, clerks and employes shall be appointed as provided in this charter, or as the Council may provide by ordinance in case no provision for their appointment is herein made, and shall hold their respective offices or positions at the pleasure of the appointing power. Where the appointment of any of said officers, assistants, deputies, clerks, or employes, is vested in the Council, the Board of Library Trustees, or any Commission, such appointment and any removal must be made by a three-fifths vote of the members of the appointing power.

Officers and employes.

At the first election under this charter in June, 1925, all the five members of the City Council shall be elected in the manner provided by this charter as follows; from each of the districts, one and four, a member of the Council shall be elected for a two year term and from each of the districts,

Terms of councilmen.

two and three, a member of the Council shall be elected for a four year term; the fifth member is to be designated as Mayor and shall be elected to a four year term. Thereafter, at each biennial election, two and three members shall be elected alternately to terms of four years.

Recall.

SECTION 2. All elective officers and the City Manager of the City shall be subject to recall as provided in this charter.

Eligibility
of recalled
officer.

SECTION 3. No officer of the City who is recalled or who resigns while recall proceedings are pending against him, shall be eligible to any office, elective or appointive, in the City of Compton for a period of five years from time such resignation or recall is effected.

Compensa-
tion.

SECTION 4. The members of the Council shall each be paid \$10.00 for each meeting of the Council attended, but not exceeding four meetings in each month. The Library Trustees shall serve without compensation. All other officers, assistants, deputies, clerks and employes shall receive such compensation as the Council may from time to time determine by ordinance.

No fees or
commissions.

SECTION 5. No officer shall be compensated by fees or commissions but only by a fixed salary payable monthly.

Councilmen
ineligible.

SECTION 6. COUNCILMEN INELIGIBLE TO OTHER CITY POSITIONS: No member of the Council shall be eligible to any other office or employment by the City during the term for which he was elected.

Qualifications
of officers
and
employes.

SECTION 7. QUALIFICATIONS: Unless specifically stated to the contrary; all officers of the City of Compton, whether elective or appointive, and all assistants, deputies, clerks, attaches or other employes, shall be bona fide residents of the City of Compton, or territory legally annexed thereto, preceding the day of their election or the date of their appointment; and on such day or date be qualified electors of the City. The Board of Education shall be bona fide residents of Compton Grammar School District. The City Manager may be chosen from outside the City, but must agree to take up residence with in the City upon his appointment. No officer, assistant, deputy, clerk, attache, or other employe shall be in litigation against the City when elected or appointed. All elective officers must be at least twenty-five years of age and have been a resident of Compton at least one year previous to filing nomination petition.

Residence of
councilmen.

SECTION 8. SPECIAL RESIDENTIAL QUALIFICATIONS FOR CITY COUNCILMEN: Each member of the City Council must have been a resident and qualified elector in the district from which he is nominated for a period of not less than one year prior to the date of presenting his declaration of candidacy to the City Clerk as hereinafter provided.

Holding
other offices.

SECTION 9. SALARIED OFFICERS OF THE CITY NOT TO HOLD FEDERAL OR STATE OFFICES: No person holding a salaried office under the United States Government or the State of California, or any other state, county or municipality; or any officer, agent or employe of any public service corporation or utility

doing business in the City of Compton shall hold any office, employment or position under this City.

SECTION 10. OATH OF OFFICE: Every officer provided ^{Oath.} for in this charter shall, within fifteen days after receiving his certificate of election or notice of his appointment, qualify by giving the bond required by this charter, or by ordinance of the City, if any, 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, the Constitution and laws of the State of California, and the charter of the City of Compton, and I will faithfully discharge the duties of the office to which I have been elected (or appointed) according to the best of my ability."

This oath shall be filed with the City Clerk, except that the City Clerk's shall be filed with the Treasurer.

SECTION 11. VACANCIES IN ELECTIVE OFFICES: Any mem- ^{Vacancies.} ber of the Council who is absent from three consecutive regular meetings, unless excused by the Council shall forfeit his seat. Any vacancy occurring in the Council shall be filled by a majority vote of the remaining members of the Council. Any vacancy occurring in any other elective office shall be filled by a majority vote of the whole Council. The person appointed to fill a vacancy in any elective office shall serve until his successor is elected and qualified; provided, that where the term of the office to which such person is appointed expires on the first Monday following the next General Municipal Election to be held after the occurring of the vacancy, such person shall serve for the remainder of the unexpired term. Except as herein provided, the successor of any person appointed to fill a vacancy in an elective office shall be elected at the next General Municipal Election held after the occurring of the vacancy provided there is sufficient time so to do, such person, so appointed, shall hold for the remainder of the unexpired term.

SECTION 12. METHOD OF NOMINATION: Nominations for ^{Nominations.} candidates and placing of names on the ballot shall be done in accordance with the general election laws of the State of California.

SECTION 13. The elective officers of the City other than the ^{Terms of office.} Board of Education shall be elected to terms of four years, except as provided in this Article, Section 1, Paragraph 2.

ARTICLE V. ELECTIONS.

SECTION 1. A municipal election shall be held in the City ^{Elections.} of Compton on the first Tuesday in June of each odd numbered year for the purpose of electing all the elective officers of the City, except the Board of Education, made elective by the terms of this charter and for other purposes in this charter provided. All other municipal elections, except the election of the Board of Education, that may be held by authority of this charter, or of the general law, shall be known as special municipal elections.

Calls for elections.

SECTION 2. CALLING THE ELECTIONS: The Council shall by ordinance order the holding of all special elections. Such ordinances shall establish precincts for the holding of each election, either by adopting or consolidating precincts established for holding general elections or by setting forth their boundaries, and shall specify the objects and time for holding such elections, and the names of the officers of election, their compensation, and the polling place for each voting precinct. The number of election officers at each precinct shall not exceed four, at least three of whom shall be present at all times during the election. Said ordinance shall be published once a week in the official newspaper for two weeks before the time appointed for holding the election, or posted and maintained if so directed by the Council, for ten days prior to the election in three public places in the City, designated by the Council.

Filing and canvassing of returns.

SECTION 3. FILING THE RETURNS: The returns of each election precinct shall be filed with the Clerk, and no person shall be permitted access to them until canvassed by the Council. The Council may canvass the returns at their next regular meeting held after all returns have been received by the Clerk, or at any special meeting held for that purpose. After having been canvassed the returns shall be sealed up by the Clerk for six months and no person shall have access to them except on order of a court of competent jurisdiction.

Notification of election.

SECTION 4. NOTIFYING THE SUCCESSFUL CANDIDATES: After the result of an election is declared, the Clerk, under his hand and official seal, shall issue a certificate thereof and deliver the same personally or by mail to the person elected.

State laws applicable.

SECTION 5. PROVISION OF STATE LAW TO APPLY: The Council may, by ordinance, make further provisions as to the manner of holding and conducting elections. The provisions of the laws of the State of California relating to the qualifications of electors, the manner of voting, the duties of election officers, and all other particulars in respect to the management of general state elections, so far as they may be applicable, shall govern all municipal elections, except as otherwise provided in this charter, or by such ordinance; provided, that no primary elections shall be held.

ARTICLE VI. LEGISLATIVE.

THE COUNCIL: POWERS AND DUTIES.

Legislative power.

SECTION 1. The legislative power of the City of Compton shall be vested in the people through the initiative and referendum, and in a body to be designated The Council.

Meetings of Council.

SECTION 2. MEETINGS: The Council shall meet in regular session on the first Tuesday in July following their election at 8 p.m. Thereafter the meetings shall be held at times fixed by ordinance. All of the meetings of the Council shall be held in the City Hall, unless, by reason of fire, flood or other disaster, said City Hall cannot be used for that purpose, in which event the Council may by resolution designate a temporary place of

meeting. A special meeting may be called by the Mayor, or by any three members. Written notice of each special meeting must be given not less than six hours before such meeting, to each member not joining in the call, who is in the County of Los Angeles. A copy of the call for a special meeting and of the notice thereof, together with a record of the time and place of the service of said notice upon the member or members not joining in the call, shall be entered upon the minutes of the Council and shall be conclusive as to the calling of said special meeting and the service of the notice thereof.

SECTION 3. PUBLICITY OF MEETINGS: All meetings of the Council and all records thereof shall be open to the public, and no citizen shall be denied the right personally, or through Counsel to present grievances or offer suggestions for the betterment of municipal affairs. No act of the Council shall be legal which is transacted in secret session. Publicity of meetings.

SECTION 4. QUORUM: Majority of members of the Council shall constitute a quorum, but a less number may adjourn from time to time. No franchise shall be granted, ordinance passed, budget adopted, supplemented or amended, appropriation made, or payment of money ordered unless three members of the Council concur in such action. Quorum.

SECTION 5. The Mayor shall preside over the sessions of the Council, shall sign official documents when the signature of the Council or Mayor is required by law, and he shall act as the official head of the City on public and ceremonial occasions. He shall have power to administer oaths and affirmations. He shall have a voice and vote in all its proceedings, but shall not have the power to veto. When the Mayor is absent from any meeting of the Council, the members of the Council may choose another member to act as Mayor pro tem, and he shall, for the time being, have the powers of the Mayor. Mayor.

SECTION 6. GENERAL POWERS OF THE COUNCIL: Subject to the provisions and restrictions in this charter contained; and the valid delegation by this charter of any powers to any person, officer, board or committee which delegation of power, if any, shall control, The Council shall have the power, in the name of the City, to do and perform all acts and things appropriate to a municipal corporation and the general welfare of its inhabitants and which are not specifically forbidden by the Constitution of the State, or which now or hereafter it would be competent for this charter specifically to enumerate. No enumeration or specific statement herein of any particular powers shall be held to be exclusive of, or a limitation of, the foregoing general grant of powers. General powers of Council.

SECTION 7. CERTAIN POWERS AND DUTIES ENUMERATED: The Council shall: Enumerated powers and duties of Council.

1. Judge of the qualifications of its members and of all election returns;
2. Establish rules for its proceedings;
3. Fix the time of its meetings;
4. Appoint such standing and other committees as it deems necessary;

5. Cause a correct record of its proceedings to be kept. The ayes and noes shall on demand of any member, be taken and entered therein, and they shall be recorded on all votes passing any ordinance or appointing or dismissing or confirming the appointment or dismissal of any officer, or authorizing the execution of contracts, or the appropriation or payment of money.

SECTION 8. The Council shall have power and authority by ordinance to:

1. Appoint a City Assessor, which office may be combined with that of City Tax Collector, a City Manager, and five Library Trustees and such other officers as may be necessary to carry out the provisions of this charter;

2. Exercise general supervision and direction over all persons, firms, companies and corporations owning, controlling or operating public utilities, in so far as any of them are subject to municipal control. This provision is subject to other charter provisions relative to such public utilities as now are or may hereafter be owned by the City;

3. To cause the removal and placing underground of all telephone, telegraph, electric light or other wires within the City or within any designated portion thereof, and to regulate and prohibit the placing of poles and the suspending of wires along or across any of the streets, alleys, and public places of the City;

3a. To license and regulate places of amusement and the carrying on of any and all professions, trades, callings, occupations and kinds of business carried on within the limits of the City. 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;

4. To establish, license and regulate public markets and market houses;

5. To provide for and regulate the inspection by the health officer of meats, poultry, fish, game, bread, butter, cheese, lard, eggs, vegetables, flour, meal, 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 of such unsound, adulterated or unwholesome products;

6. To provide for the inspection of and to regulate the sale of bread within the City, and to prescribe the weight of the loaf and to provide for the seizure and forfeiture of bread offered for sale which does not comply with such regulations;

7. To provide for a civil service system subject to the terms of this charter in any or all departments of the City government, and thereupon all appointments shall be made subject to the rules of said civil service system;

8. To pass emergency measures to take effect at the time indicated therein. Emergency measures shall contain a section in which the emergency is particularly set forth and defined;

a separate roll call on the question of the emergency shall be taken, and an affirmative vote of three of the members of the Council shall be required for its passage. Ordinances appropriating money may be passed as emergency measures, but no measure making a grant, renewal or extension of a franchise or other special privilege or regulating the rate to be charged for its services by any public utility shall be so passed;

9. To set aside, either absolutely or for a definite period of time, any lands belonging to the City for use as play grounds and recreation areas for the benefit of the City;

10. To zone the City as relates to the use of property, the height and area of buildings, both within and without the industrial districts;

11. To provide by ordinance for all matters not otherwise provided for by this charter, for the proper protection of the peace, health and safety of the City and the inhabitants thereof; or to regulate and control any condition arising from floods, strikes, or the elements;

12. To make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in this charter;

13. To require owners of real property within the City to remove grass, weeds, rubbish or other obstructions from the sidewalks, parkings, streets and alleys in front thereof, or upon which said property abuts, and upon their default, to cause such work to be done, and the cost thereof to be made a lien and charge upon any such real property, and to make provisions for the enforcement of such lien by the sale of such property or otherwise;

14. To require or provide for the removal from property, lands, or lots, of all weeds, rubbish or any other material, which may endanger or injure the public health, safety or welfare and to make the cost thereof a lien and charge upon such property, lots or lands, and to make provisions for the enforcement of such lien by the sale of such property, lots or lands, or otherwise.

SECTION 9. ORDINANCES: The enacting clause of every ordinance shall be, "The people of the City of Compton do ordain as follows." Every ordinance or amendment must be signed by the Mayor, attested by the Clerk and published once in the official newspaper and be posted in three conspicuous places in the City. Any ordinance granting any franchise or privilege shall be published at the expense of the applicant therefor. Ordinances.

SECTION 10. WHEN ORDINANCES GO INTO EFFECT: Except as herein provided, no penal ordinances, or measure passed by the Council granting any franchise or privilege, shall go into effect in less than thirty days after its final passage. But ordinances declared by the Council to be necessary as emergency measures for the immediate preservation of the public peace, health or safety, containing a statement of the reasons for their urgency and passed by a three-fifths vote Ordinances effective.

of the whole Council, and ordinances ordering or otherwise relating to elections, may go into effect at the will of the Council.

Amending
ordinances.

SECTION 11. AMENDING ORDINANCES: No ordinance shall be amended by reference to its title, but the sections thereof to be amended, shall be re-enacted at length as amended; and any amendment passed contrary to the provisions of this section shall be void.

Sales and
leases.

SECTION 12. SALE OR LEASE OF CITY PROPERTY: No sale of real estate shall be authorized by the Council except by ordinance passed by the affirmative vote of three fifths of all the members and no lease shall be made for a period of longer than three years.

Expert
accountant.

SECTION 13. EXPERT ACCOUNTANT: At least once each year the Council shall employ an expert accountant who shall investigate the transactions and accounts of all officers having the collections, custody or disbursements of public money, or having the power to approve, allow or audit demands on the treasury, and render a report of his investigations to the Council.

Official
bonds.

SECTION 14. OFFICIAL BONDS: The Council shall, by ordinance, determine what officers and other persons in the service of the City shall give bonds for the faithful performance of their duties, and shall fix the amounts of such bonds and each of such officers and other persons shall, before entering upon the duties of his office or employment, execute a bond to the City in the penal sum provided by such ordinance, including in the same bond the duties of all offices of which he is made by this charter, or otherwise, ex-officio incumbent. Such bonds must be examined and approved by the Council. All bonds when approved shall be filed with the City Clerk, except the City Clerk's Bonds, if any, which shall be filed with the Treasurer. All the provisions of any law of this State relating to the official bonds of officers as then existing shall apply to such bonds, except as herein otherwise provided. In all cases where Surety Company bonds are approved by the Council, the premium therefor shall be paid by the City.

Authority of
Council
over city
employees.

SECTION 15. CITY COUNCIL'S AUTHORITY OVER CITY EMPLOYEES: Neither the City Council, nor any of its committees or members shall dictate, or attempt to dictate, either directly or indirectly, the appointment of any person to office or employment by the City Manager, or in any manner interfere with the City Manager or prevent him from exercising his own judgment in the appointment of officers and employes in the administrative service. Except for the purpose of inquiry, the City Council and its members shall deal with the administrative service solely through the City Manager, and neither the City Council nor any member thereof shall give orders to any of the subordinates of the City Manager, either publicly or privately.

SECTION 16. CONTRACTS: In the erection, improvement and repair of all public buildings and works, in all street and sewer work, the installation of pipes, fire hydrants, wells, pumping plants, conduits, electric transmission lines, substations, power plants, gas mains and generators, improvement and development of parks and playgrounds, and works for protection against overflow, and in furnishing any supplies or materials for the same, when the expenditure required for the same shall exceed the sum of five hundred dollars, the same shall be done by contract, and shall be let to the lowest responsible bidder, after notice by publication in the official newspaper by two insertions, the first of which will be at least ten days before the time for opening bids; provided, that the Council may reject any and all bids presented and may re-advertise in their discretion; and provided further, that after rejecting bids, or if no bids are received, the Council may declare and determine that in its opinion the work in question may be performed better or more economically by day labor, or the materials or supplies purchased at a lower price in the open market and after the adoption of a resolution to this effect by a three-fifths vote, they may proceed to have the said work done or materials or supplies purchased without further observance of the foregoing provisions of this section; provided further, that nothing in this section shall require the care, repair or maintenance of streets or public utilities to be let by contract. All contractors shall file bonds in such sum as required by the City Council.

Contracts.

SECTION 17. ADVERTISING: All official advertising of the City shall be done in a newspaper of general circulation as defined by the laws of the State of California, which newspaper shall be published in the City of Compton, and shall be designated by the Council as the official newspaper. The Council shall annually call for bids for such advertising, and a contract therefor shall be awarded to the lowest responsible bidder; provided, that the Council may reject all bids and may again call for bids; and provided further that no defect or irregularity in proceedings taken under this section, or failure of the Council to designate an official newspaper, shall invalidate any publication, where the same is otherwise in conformity to law or this charter. When it may appear to the Council that the rates offered are unfair, the Council may employ other means of securing publicity in lieu of newspaper advertising.

Advertising.

SECTION 18. POWER TO DO PUBLIC WORK DIRECT: The Council shall have the power to provide by ordinance a complete procedure whereby the City may bid on all public work done under the provisions of any local improvement ordinance or resolution. Said ordinance shall provide the procedure whereby the City shall perform such public work for which the City may be the lowest bidder. A revolving fund may be created by bond issue for the purpose of financing the cost of such public work.

City may do public work.

ARTICLE VII. CITY CLERK.

City Clerk. SECTION 1. The City Clerk shall keep, under the direction of the Council, a full and true record in a book, of all proceedings of the Council and of the Board of Equalization. He shall keep a book, marked "Ordinances," in which he shall copy all ordinances, with his certificate annexed to said copy, stating that it is a full and true record thereof, and that such ordinance has been duly published. Said record copy, with such certificate shall be prima facie evidence of the contents of such ordinance and of the passage and publication thereof. The Clerk shall also keep an index to the minutes of the Council and to said Ordinance Book. The City Clerk shall be the custodian of the City Seal and shall affix the same to all official certificates made by him and to other papers when directed by the Council to attest or execute the same. He shall have power to administer oaths and affirmations, to take affidavits, and to certify the same. He shall have such other powers and perform such other duties as may be provided by this charter or by ordinance.

ARTICLE VIII. CITY TREASURER.

City Treasurer. SECTION 1. The Treasurer shall receive and keep all money that shall come to the City from taxation or otherwise, and shall pay the same out, on demands properly audited, in the manner provided for in this Charter, and without such auditing he shall disburse no public money whatever, except the principal and interest on the bonded indebtedness of the City when the same shall be payable; he shall keep an accurate account of all his receipts and disbursements under such rules and regulations as may be prescribed by ordinance; he shall make a monthly statement to the City Council of all his receipts and disbursements during the preceding month, and shall do all things required of him by this Charter and the ordinances of the City.

Deposit of city funds. SECTION 2. The Treasurer shall not under any circumstances deposit with any person, corporation or bank any of the moneys of the City or allow the same, except as herein provided, to pass out of his custody; provided, however, that the Treasurer may deposit City moneys with such banks and upon terms and conditions and subject to and upon requirements, limitations and penalties as provided by an Act of the Legislature approved March 23, 1907, and acts amendatory thereof, providing for and regulating the deposit of moneys of counties and municipalities of this State with banks and banking corporations.

Collection of taxes and license fees. SECTION 3. The City Treasurer shall be Ex-officio Tax and License Collector, and as such Tax and License Collector he shall receive and collect all City taxes, general and special, license taxes and other branches of the City revenue, not otherwise herein provided for; he shall prepare and sign, and upon countersigning by the City Manager shall issue all City license certificates, and he shall keep proper books showing

all moneys collected by him as Tax and License Collector, and also a book which shall contain a record of every deed given by or on behalf of the City for real estate sold for delinquent taxes or assessments, which book shall be properly indexed, and shall be at all suitable times open to public inspection; he shall do and perform such other duties as may be required of him by this Charter or by the ordinances of the City. He shall pay all moneys collected by him as Tax and License Collector into the City Treasury daily and report to the City Manager all licenses issued and license charges collected.

ARTICLE IX. CITY ENGINEER.

SECTION 1. The City Engineer shall be appointed by and shall be under the direction and control of the City Manager. City Engineer.

SECTION 2. All maps, plans, profiles, field notes, estimates and other memoranda of surveys and other professional work made or done by him for the City or under his direction or control during his term of office, shall be the property of the City, kept in the City Hall, and turned over to his successor in office.

ARTICLE X. BOARD OF EDUCATION.

SECTION 1. All the territory now included or that may hereafter be annexed to the Compton Grammar School District shall be for school purposes under control of the Board of Education. All the provisions of the State law governing elections of boards of trustees are hereby incorporated in this charter except as otherwise herein provided. Elections shall be held biennially in the odd numbered years. Board of Education.

SECTION 2. At the time of election for school trustees as provided by State law, in year 1925, all five members of the Board of Education shall be elected; the two receiving the highest number of votes being elected to a four year term, and the other three to two year terms each. Thereafter, at each biennial election three members of the Board shall be elected. The two receiving the highest number of votes being elected to terms of four years each and the third to a two year term. Election of members.

SECTION 3. The Board of Education shall have entire control, and management of the public elementary schools of the Compton Grammar School District in accordance with the Constitution and the General Laws of the State, and is hereby vested with all the powers and charged with all the duties of such control and management, and shall receive as their compensation five dollars for each regular meeting attended, not to exceed two meetings per month. Powers and duties.

ARTICLE XI. CITY ATTORNEY.

SECTION 1. The City Attorney shall be a citizen of the State and a resident and qualified elector of the City. He shall have been duly admitted to practice his profession by the Supreme Court of the State of California. He shall be elected as provided in this Charter. City Attorney.

Powers and
duties.

SECTION 2. The City Attorney shall prosecute, in behalf of the People, all criminal cases arising from violations 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 City 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. He 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 or officers of the City. He shall approve the form of all bonds given to and all contracts made by the City, endorsing his approval thereon in writing. He shall, whenever required by the City Council or any member thereof, draft any and all proposed ordinances for the City and amendments thereto; and shall do and perform all such things touching his office as the City Council or the Mayor may require of him. On vacating the office he shall surrender all books, papers, files, and documents pertaining to the City business to his successor.

ARTICLE XII. POLICE COURT.

Police Court.

SECTION 1. The judicial power of the City shall be vested in a Police Court, which court is hereby established. The Police Judge shall hold said Police Court and said court shall have jurisdiction concurrently with the Justice's Courts, of all actions and proceedings, civil and criminal, arising within the corporate limits of the City, and which might be tried in such Justice's Court. Said Police Court shall have exclusive jurisdiction of all actions for the recovery of any fine, penalty or forfeiture prescribed for the breach of any ordinance of the City; of all actions founded upon any obligation or liability created by any ordinance; and of all prosecutions for any violation of any ordinance. The rules of practice and mode of proceeding in said Police Court shall be the same as are or may be prescribed by law for Justice's Courts in like cases. Appeals may be taken to the Superior Court of the County in which the City of Compton is located, from all judgments of said Police Court, in like manner and with like effect as in cases of appeals from Justice's Courts.

Judge.

SECTION 2. The Police Judge shall have the powers and perform the duties of a magistrate. He may administer and certify oaths and affirmations.

Judge pro
tempore.

SECTION 3. In all cases in which the Police Judge is a party, or in which he is interested or when he is related to either party by consanguinity or affinity within the third degree, or is otherwise disqualified or in case of sickness or inability to act, the Police Judge may call upon any Justice of the Peace, residing in the County, to act in his stead.

Pending
proceedings.

SECTION 4. All actions and proceedings pending and undetermined in the Recorder's Court of the City of Compton at the time this charter takes effect, shall be proceeded with, heard and tried and determined in the Police Court hereby

provided for, in the same manner as if such actions or proceedings had been originally commenced in said Police Court.

SECTION 5. The Council shall have power to direct and control the prosecution and defense of all suits and proceedings to which the City is a party or in which it is interested, and may employ counsel to assist the City Attorney therein. Control of suits.

SECTION 6. All fees and fines received or collected by the said Court shall be the property of the City and shall be deposited with the Treasurer at least once a week. Fees and fines.

ARTICLE XIII. POLICE DEPARTMENT.

SECTION 1. The Police Department shall have the power and duty to enforce the penal provisions of this Charter, of the ordinances of the City and of the laws of the state and nation. In the discharge of said powers and duties the members of said department shall have the powers and duties of peace officers as defined by state law. Police department.

SECTION 2. The General Manager of the Police Department shall be known as the Chief of Police. He shall, by himself or by deputy, execute and return all writs and processes issued by any court having jurisdiction of criminal cases arising upon violations of the provisions of this charter or the ordinances of the City. He, or one of his deputies, shall attend on the sittings of any such court and preserve order therein; and his jurisdiction and that of his deputies in the service of process in all criminal cases, and in cases of violation of the City ordinances, shall be co-extensive with the county. Chief.

SECTION 3. He shall suppress all riots, disturbances and breaches of the peace, and to that end may call on any person to aid him. He may pursue and arrest, within the limits of the City, any person fleeing from justice from any part of the state, and shall forthwith bring all persons by him arrested before a judge of the proper court for trial or examination. He may receive and execute any proper authority for the arrest and detention of criminals fleeing or escaping from other places or states. Arrests.

SECTION 4. He shall have, in the discharge of his proper duties, like powers and be subject to like responsibilities as a sheriff in similar cases.

SECTION 5. The Chief of Police shall have the power to suspend or remove any officer or employee in the Police Department; but no such suspension or removal shall be made except for cause, which shall be stated in writing and filed with the Board of Police and Fire Commissioners, with certification that a copy of such statement has been served upon the person so suspended or removed personally, or by leaving a copy thereof at his last known place of residence if he cannot be found. Upon such filing the suspension or removal shall take effect. Within fifteen days after such statement shall have been filed, the said board, upon its own motion, may, or upon written application of the person so suspended or removed filed with said board within five days after service Suspensions and removals.

upon him of such statement, as above provided, shall proceed to investigate the grounds for such suspension or removal. If, in the case of a removal, the said board, after such investigation, shall find in writing that the grounds stated were insufficient, or were not sustained, and also finds in writing that the person removed is a fit and suitable person to fill the position from which he was removed, the said board shall reinstate him in such position; and if, in the case of a suspension, the board, after such investigation, shall find in writing that the grounds stated were insufficient, or were not sustained, the said board shall restore the person so suspended to duty. The order of said board with respect to such suspension or removal shall be final and conclusive. Any person restored to duty or reinstated in his position after suspension or removal, as provided in this section, shall be entitled to receive such compensation from the City the same as if such suspension or removal had not been made.

ARTICLE XIV. FIRE DEPARTMENT.

Fire
department.

SECTION 1. The Fire Department shall have the power to control and extinguish injurious and dangerous fires and to remove the causes of such fires within the City of Compton.

Authority
at fires.

SECTION 2. The officers of the Fire Department in charge at the scene of any fire shall have full power and authority to direct the operation of extinguishing the same and to take the necessary precautions to prevent the spread thereof. In the course of such operations they may prohibit approach to such fire by any person, vehicle or thing and may remove or cause to be removed and kept away from any such fire any person, vehicle or thing not actually and usefully employed, in the judgment of said officers, in the extinguishing of such fire or the preservation of the property in the vicinity thereof.

Penalty.

SECTION 3. Any person who shall in any way obstruct the operations of said Fire Department in connection with any such fire, or who shall disobey any lawful command of the officers of said Fire Department in charge at the scene of such fire or of the police cooperating with them, shall be deemed guilty of a misdemeanor.

Chief.

SECTION 4. The chief administrative officer of the Fire Department shall be known as the Chief of the Fire Department.

Suspensions
and
removals.

SECTION 5. The Chief of the Fire Department shall have the power to suspend or remove any officer or employee in the department; but no such suspension or removal shall be made except for cause, which shall be stated in writing and filed with the Police and Fire Commissioners with certification that a copy of such statement has been served upon the person so suspended or removed personally. Upon such filing the suspension or removal shall take effect. Within fifteen days after such statement shall have been filed, the said Commission upon its own motion, may, or upon written application of the person so suspended or removed, filed with said Police and Fire

Commission within five days after service upon him of such statement as above provided, shall proceed to investigate the grounds for such suspension or removal. If the said Police and Fire Commission after such investigation, shall find in writing that the grounds stated were insufficient, or were not sustained and also finds in writing that the person removed or suspended is a fit and suitable person to fill the position from which he was removed, the said Commission shall reinstate him in such position. Any person restored to duty or reinstated in his position after suspension or removal, as provided in this section, shall be entitled to receive compensation from the City the same as if such suspension or removal had not been made.

ARTICLE XV. PARKS, PLAYGROUNDS AND RECREATION CENTERS.

SECTION 1. The Council may, by ordinance, provide for Parks. the appointment of a commission of five members, to serve without compensation, and to have charge of Parks, Playgrounds and Recreation Centers and may by such ordinance fix the powers and duties of such commission.

ARTICLE XVI. LIBRARY BOARD.

SECTION 1. The Library Board shall have the power and Library board. duty:

1. To manage and control the libraries, branch libraries and reading rooms of the City of Compton at such time when the City of Compton takes over the work from the Los Angeles County Free Library.

2. To maintain and operate a central library, and branch libraries and reading rooms as needed within the City, and to acquire and take by purchase, lease, condemnation, gift, in trust or otherwise and to hold for the City, any and all property necessary or convenient for such purpose.

SECTION 2. Financial support of the Library Department Library fund. is provided in Article 22, Section 7 of this charter. All money received by the Library Department from fines, sales, gifts, or otherwise in connection with the operation of the Library, shall be placed to the credit of the Library Department in a fund known as the Library Fund.

SECTION 3. The Library Board shall have the power to Expenditures. control and order in the manner in this charter provided, the expenditures of all money coming into the Library Fund or from the sale of bonds authorized by the City for financing the work of the Library Department and to appropriate and expend the same for the purposes of the Department.

SECTION 4. The General Manager of the Library Department shall be known as City Librarian and shall be appointed Librarian. by the Library Board.

SECTION 5. The Library Board shall employ all assistants Assistants. who will be on the regular payroll; also remove any on written complaint by the City Librarian after due investigation of charges against assistant.

ARTICLE XVII. CITY PLANNING.

City
planning.

SECTION 1. The Council may, by ordinance, provide for the appointment of a City Planning Commission of five members, to serve without compensation, and to have such powers and duties as the Council may prescribe relating to City Planning and the enforcement of ordinances adopted by the Council. Whenever the owners of fifty per cent or more of the frontage of any district or part thereof, shall present to the Council a petition duly signed and acknowledged by them, requesting any such amendment, supplement, change or repeal of the regulations prescribed for such district, or part thereof, the Council shall act upon such petition within ninety days after the filing thereof. No amendment, change, supplement or repeal of the regulations or of the boundaries of districts established by any ordinance passed under the above mentioned provisions of the charter shall be made except by a three-fifths vote of the Council.

ARTICLE XVIII. BUILDING AND SAFETY.

Dept. of
Building
and Safety.

SECTION 1. The Council may by ordinance establish the Department of Building and Safety.

SECTION 2. The Department of Building and Safety shall have the power and duty to enforce all ordinances and laws relating to the construction, alteration, repair, demolition or removal of buildings or structures in the City, and to the arrangement, alteration, and repair, use and operation of all heating, plumbing, lighting, ventilating, refrigerating and electrical and mechanical appliances therein.

Alarm
systems.

SECTION 3. The Department of Building and Safety shall have charge of the construction, operation and maintenance of the Police and Fire Alarm systems.

Superin-
tendent.

SECTION 4. The general manager of the Department of Building and Safety shall be known as the Superintendent of Building.

Modification
of building
regulations.

SECTION 5. The Board of Building and Safety Commissioners shall have the power to make slight modifications for individual cases in the provisions of the building ordinances of the City, provided that in each such modification the board shall first find that a special, individual reason makes the strict letter of the ordinance impractical and that the modification is in conformity with the spirit and purpose of the ordinance involved. Any such action shall be by resolution of the board, duly entered in its minutes. The power granted by this section to the Board of Building and Safety Commissioners may be restricted or abolished by ordinance.

ARTICLE XIX. DEPARTMENT OF HUMANE TREATMENT OF ANIMALS.

Humane
Department.

SECTION 1. The Council may by ordinance establish a Humane Department.

SECTION 2. The Humane Treatment of Animals Department shall have the power and duty:

1. To enforce all ordinances of the City of Compton and the penal laws of the State relating to the care, treatment or impounding of dumb animals or for the prevention of cruelty to the same.

2. To provide and maintain a public pound wherein animals may be impounded.

3. To enforce the ordinances of the City requiring the payment of money for licenses of dogs within the City.

ARTICLE XX. DEPARTMENT OF HEALTH.

SECTION 1. The Health Department shall have the power and duty to supervise and control, under such ordinances as may from time to time be adopted by the City, and under the laws of the state and nation applicable within the City, the sanitary conditions and the general health of the City, and all matters pertaining thereto, including the sanitary condition of all schools, jails, hospitals and public buildings, and all health establishments or institutions of whatever kind, whether public or private; and to enforce all ordinances and laws relating to public health and all rules and regulations of the department, and may call upon any police officer or officers at any time to assist in the enforcement thereof. Health Department.

SECTION 2. The chief administrative officer of the Health Department shall be called the Health Officer of the City. He shall be a graduate of a reputable college of medicine and shall have had at least three years experience in the administration of public health work. Health Officer.

SECTION 3. The Health Officer and all regularly appointed officers and employees of the Health Department shall have the right and power to arrest any person or persons who may violate any of the ordinances of the City pertaining to sanitation and health, and any of the rules and regulations of the department. It shall also be the duty of any officer or policeman to arrest any person guilty of such violation. Arrests.

SECTION 4. Any rules or regulations of the department for the control of communicable diseases shall be the same as those adopted by the State Board of Health for the same diseases. Regulations.

ARTICLE XXI. SOCIAL SERVICE COMMISSION.

SECTION 1. The Council may, by ordinance, provide for the appointment of a Social Service Commission of five members, to serve without compensation, and to have charge of all matters pertaining to the care and relief of the needy and the establishment of employment bureaus, day nurseries, city nurses and the like. Social service.

ARTICLE XXII. FISCAL ADMINISTRATION.

SECTION 1. ACTIONS AGAINST CITY: No payment shall be made from the Treasury of the City, except as otherwise provided by law or this charter, except on demands presented and approved and warrants drawn as herein or by ordinance provided. No action shall be brought on any claim or demand Claims and actions thereon.

for money or damages against the City or any Board, Commission or Officer thereof, until a demand for the same has been presented as provided in this charter, or by ordinance and rejected in whole or in part. If rejected in part, action may be brought to recover the whole. Nor shall any action be brought upon any such demand that has been approved in whole, as herein or by ordinance provided, but nothing herein contained shall prevent the holder of any demand from resorting to proceedings to compel any officer, board or commission to act upon a demand or to pay a demand that has been properly allowed.

Budgets.

SECTION 2. ESTIMATE AND BUDGETS: The fiscal year of the City shall begin on the first day of July. On or before the first day of June of each year, the City Manager shall submit to the Council a proposed budget for the Public Service Department and a proposed budget for all other departments to be known as the general budget. Said budgets shall include estimates of the revenues and expenditures of the City departments for the ensuing year. These estimates shall be compiled from detailed information obtained from the several departments on blanks to be furnished by the City Manager. The classification of the estimates of expenditures shall be as nearly uniform as possible for all departments, and shall give the following information;

1. A detailed estimate of the expenses of each department;
2. Expenditures for corresponding items for the last and for the current fiscal years, including adjustments due to transfers between appropriations plus an estimate of expenditures necessary to complete the current fiscal year;

3. Such information as may be required by the Council or as the Manager may deem advisable to submit;

4. The recommendation of the Manager as to the amounts to be appropriated, with reasons therefor, in such detail as the Council may direct. Sufficient copies of such proposed budgets shall be prepared and submitted, that there may be copies on file in the office of the Clerk for inspection by the public and one copy of each budget furnished each member of the Council. The Council shall have power to revise, correct or modify said proposed budgets in any particular;

Appropriations.

SECTION 3. APPROPRIATIONS: After considering said proposed budgets, the Council shall fix a time for holding a public hearing upon the same and shall publish a notice of the time fixed for said hearing once in the official newspaper at least ten days before the time for the hearing. After said hearing the Council may further correct or modify said proposed budget and shall by resolution, adopt a Public Service budget and a general budget. Such resolution shall operate as an appropriation of funds to the amounts and for the purposes set forth in the budgets so adopted.

Amendment of budget.

SECTION 4. TRANSFER OF APPROPRIATIONS: At any meeting after the adoption of the budget or budgets, the Council, by a vote of three members may amend or supplement such

budget or budgets, so as to authorize the transfer of unused balances appropriated for one purpose to another purpose, or to appropriate available revenues not included in the annual budget.

SECTION 5. TAXATION: The Council shall have power by ordinance, to provide a system for the assessment, levy, and collection of all City taxes, which system shall conform as nearly as may be to the general laws of this State, provided for the assessment, levy and collection of County taxes. All taxes levied, together with any penalties imposed for delinquency and the cost of collection, shall constitute liens on the property assessed and every tax upon personal property shall be a lien upon the real property of the owner thereof. The said liens shall attach as of the first Monday of March of each year. The Council may provide that the City Clerk shall be ex-officio assessor and that the City Treasurer or other officer selected by them, shall be ex-officio tax collector. Taxation.

SECTION 6. The Council shall have power by ordinance to authorize the transfer to and the assumption and discharge by officers of the County of Los Angeles, of any function of the City relating to the assessment of property for taxation, the equalization of such assessment, the collection of taxes levied for municipal purposes, the collection of assessments levied for local improvements, the sale of property for non-payment of taxes levied for municipal purposes or for non-payment of assessments levied for local improvements, and the redemption of property from sales for either of said purposes, and may repeal any such ordinances. Agreement with county regarding taxation.

2. During the time that the functions of the City, relating to the assessment and collection of City taxes, are being discharged by the officers of the County of Los Angeles, the offices of City Assessor and City Tax Collector shall be deemed suspended and no person shall fill the same, nor shall any salary attach thereto, and all duties of said offices other than the assessment and collection of taxes shall be transferred to and performed by such officers as the Council shall by ordinance determine.

SECTION 7. TAX RATE: The total tax rate for any one year shall not exceed one per cent of the assessed valuation, unless a special tax be authorized, as provided in this charter; and the proceeds of any such special tax shall be used for no other purpose than that specified for which it was voted; provided, however, that in addition to said one per cent there shall be included in every annual levy, a sufficient amount to cover all liabilities of the City for principal and interest of all bonds or judgments due and unpaid or to become due during the ensuing fiscal year and not otherwise provided for; provided further, that in addition to the taxes above mentioned, there shall be levied a tax not exceeding one-tenth of one per cent of the assessed valuation for the library fund; provided, further, that in addition to the taxes above mentioned, the Council may levy a tax of not to exceed one-tenth Tax rates.

of one per cent of the assessed valuation for parks, playgrounds and recreation centers. If the Council shall fail to fix the tax rate at the proper time, the rate for the preceding fiscal year shall be adopted and used.

Special taxes
and bonds.

SECTION 8. SPECIAL TAXES AND BONDS: Whenever the Council shall determine that the public interest demands an expenditure for municipal purposes, which cannot be provided for out of the ordinary revenue of the City, it may submit to the qualified voters at a regular or special election, a proposition to provide for such expenditure, either by levying a special tax, or by issuing bonds, but no such special tax shall be levied nor any such bonds issued, unless authorized by the affirmative votes of two-thirds of the electors voting at such election. No bonds shall be issued to meet current expenses. The proceedings for the voting and issuing of bonds of the City shall be had in such manner and form and under such conditions as shall be provided from time to time by general law and ordinance of the City.

Bond limit.

SECTION 9. LIMIT OF BONDED INDEBTEDNESS: The bonded debt of the City shall at no time exceed a total of fifteen (15) per cent of the assessed valuation of all property taxable for City purposes.

General
Budget
Fund.

SECTION 10. GENERAL BUDGET FUND: A fund to be known as the General Budget Fund is hereby created. All receipts from the general tax levy, licenses, fines, permits, and interest on bank deposits, and all other receipts except those from the Public Service Department, and those which are collected for a specific purpose, or are herein ordered to be credited to some other fund, shall be credited to said fund, and all disbursements on account of General Budget appropriations, excepting such appropriations as are payable out of special funds, shall be charged to said General Budget Fund. The credit balance, if any, in said General Budget Fund, at the end of any fiscal year, the amount of which is in excess of the amount of all outstanding demands and liabilities unpaid on account of General Budget appropriations for said fiscal year, shall be transferred to the General Reserve Fund.

General
Reserve
Fund.

SECTION 11. GENERAL RESERVE FUND: A permanent revolving fund known as the General Reserve Fund is hereby created, for the purpose of keeping the payment of the running expenses of the City on a cash basis. Said fund shall be maintained in an amount sufficient to meet all legal demands against the Treasury for the first four months, or other necessary period of each fiscal year prior to the collection of taxes. The Council shall have power to transfer from the General Reserve Fund to any other fund or funds, such sum or sums as may be required for the purpose of placing such fund or funds, as nearly as possible, on a cash basis. It shall be the duty of the Council to provide that all money so transferred from the General Reserve Fund be returned thereto on or before the end of the fiscal year if the total balance in said General Reserve Fund exceeds thirty per cent of the total

amount of the General Budget for that year, the Council may appropriate such excess for any City purpose without returning the same.

SECTION 12. ENTERTAINMENT: The Council may appropriate and spend money from the funds of the City for any or all of the following purposes; reception and entertainment of public guests, assistance of public celebrations, fairs and exhibitions, to aid or carry on the work of inducing immigration to the City; to exhibit manufactured and other products of the City; and generally, for the purpose of advertising the City; provided, however, that the aggregate expenditures for all of said purposes shall not exceed in one fiscal year the sum of two (2) cents on each One Hundred Dollars (\$100.00) of the assessed value of property within the City.

Entertainment, advertising, etc.

SECTION 13. DEPRECIATION FUND: The Council shall annually set aside from the income derived by the City from its revenue producing public utilities, as a separate depreciation fund for each of said public utilities, a sum, which, according to the estimate of the City Manager, shall be sufficient to meet the normal depreciation in said public utility. Such fund shall be used only for the replacement, betterment and extensions of the plants and equipment of said public utilities respectively.

Depreciation Fund.

SECTION 14. SPECIAL DEPOSIT FUND: There is hereby created a fund to be known as the Special Deposit Fund, wherein shall be deposited all moneys received by the City or any department, officer, or board thereof, for the purpose of guaranteeing the payment of any costs, charges, or damages accruing or liable to accrue, to the City from the depositor and all money deposited as bail to secure the liberation of a person accused of a public offense, and all moneys required to be deposited for the purpose of indemnifying persons whose property is in danger of being damaged or destroyed by the operation of the depositor. The money so deposited may be returned to the depositor, should he become entitled to the return thereof, in such manner as the Council may, by ordinance, prescribe, or upon default being made in the payment of such costs, charges, or damages; or in the performance of any of such conditions, acts or things, may be declared forfeited in whole or in part and be disposed of as the Council may direct.

Special Deposit Fund.

SECTION 15. GENERAL SERVICE FUND: A fund known as a General Service Fund is hereby created. All expenditures for lot cleaning, for engineering, and other incidental expenses in connection with street opening and improvement proceedings and all other expenditures which are in the nature of advancements by the City and are to be repaid to the City, shall be charged to said fund. All receipts on account of the matters above mentioned shall be credited to said General Service Fund from the special fund created for such proceedings, if any, when available therein. All amounts expended for purchase of general supplies, which for any reason cannot

General Service Fund.

be charged directly to the account or accounts for which such supplies are purchased, shall be charged against said General Service Fund, and when said supplies are used by the various departments, the cost thereof shall be charged against the proper fund and credited to said General Service Fund.

Public
Service
Budget
Fund.

SECTION 16. PUBLIC SERVICE BUDGET FUND: A fund to be known as the Public Service Budget Fund is hereby created. All receipts, not otherwise ordered credited to other funds, from the sale of water and electric energy and any other commodity furnished, and for any services rendered by the Public Service Department of the City, shall be credited to the said Public Service Budget Fund. All disbursements on account of Public Service Budget appropriations shall be charged to the said Public Service Budget Fund. The credit balance, if any, in said Public Service Budget Fund, at the end of any fiscal year, the amount of which is in excess of the amount of all outstanding demands and liabilities unpaid on account of Public Service Budget appropriations, shall be transferred to the Public Service Surplus Fund.

Public
Service
Sinking
Fund.

SECTION 17. PUBLIC SERVICE SINKING FUND: A fund to be known as the Public Service Sinking Fund is hereby created, to which fund shall be credited from the receipts of the Public Service Department, a sufficient amount each year to cover the total amount of payments falling due that year for principal and interest of all Compton City or Municipal Improvement District Bonds issued for the acquisition, improvement or extension of Public Utilities operated by the City. The Council shall fix from time to time the percentage of receipts of the Public Service Department required to cover principal and interest of such bonds and such percentage of said receipts shall be credited by the City Treasurer to the said Public Service Sinking Fund; provided, however, that if in the opinion of the Council the total amount necessary for said Sinking Fund cannot conveniently be taken from the receipts of said Public Service Department, nothing in this section shall affect or impair their power, after so declaring, to levy such taxes as may be necessary to provide for interest and principal of such bonds.

Public
Service
Surplus
Fund.

SECTION 18. PUBLIC SERVICE SURPLUS FUND: A fund to be known as the Public Service Surplus Fund is hereby created, to which fund shall be credited from the receipts of the Public Service Department any amounts in excess of the requirements of the several funds as hereinbefore set forth. Disbursements from said Public Service Surplus Fund shall be by special appropriations made by the Council.

ARTICLE XXIII. FRANCHISES.

Franchises.

SECTION 1. In granting franchises the Council shall be governed by the general laws of the state in force at the time, and franchises shall be granted only upon further conditions hereinafter provided.

SECTION 2. Every application for a franchise shall be accompanied by a cash deposit or certified check in amount to pay in full all costs of advertising and other preliminary expenses connected with the offering for sale of such franchises and the granting of same, which deposit shall not be less than One Hundred (\$100.00) Dollars. Said deposit shall be returned in case the Council shall determine that neither the public necessity nor the public interest required the granting of the franchise, or in case the franchise be granted to a person other than said applicant. The cost of advertising and other cost hereinabove referred to connected with the offering for sale and granting of said franchise shall be paid by the successful bidder for said franchise, and such payment shall be a condition precedent to the vesting of the franchise. Cost of offering and granting.

SECTION 3. Franchises shall not be granted for a longer period than twenty-five years. Term.

SECTION 4. SPECIAL ELECTION TO GRANT FRANCHISES: Whenever an applicant for a franchise or other person shall pay in advance to the City the expenses of a special election, the Council, may in its discretion, call such election, at which the proposed ordinance shall be submitted to a vote of the electors of the City. Special election.

SECTION 5. 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, upon one year's written notice, either at an agreed price or a price to be determined in a manner to be 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, severance damage, or increased value of right of way. Right to purchase reserved.

SECTION 6. Every indeterminate franchise shall provide that the grantee thereof shall pay to the City a percentage of the gross revenue, annually collected from any and all sources under and by virtue of such franchise, which percentage shall be fixed by the Council. City to receive percentage.

ARTICLE XXIV. INITIATIVE, REFERENDUM AND RECALL.

SECTION 1. The laws of the State of California, providing for the initiative, referendum and recall in cities as they now exist or hereafter may be amended, are hereby made a part of this charter and all action under the initiative, referendum and recall in the City of Compton shall be taken in accordance with said laws provided that all petitions for the recall shall be signed by qualified electors, equal in number to twenty per cent of the total vote cast for Mayor at the last preceding municipal election. Initiative, referendum and recall.

SECTION 2. Any official against whom a recall petition has been circulated may have five days after certification of the petition by the City Clerk in which to resign. Resignation.

Removal
of City
Manager.

SECTION 3. The City Manager may be removed by the qualified electors of the City at any time after the expiration of three months from his appointment. The procedure shall be the same as for the removal from any elective office by the recall with the following exceptions; The ballots used at the election at which the question of the removal of the City Manager shall be submitted shall be in the form provided by law and shall have printed thereon the question, "Shall (inserting his name) be removed from the office of City Manager?" If a majority of the voters voting on the question of the City Manager's removal shall vote in favor thereof, upon the declaration of the result of such voting by the City Council, the office of City Manager shall thereupon be and become vacant. Such vacancy shall thereupon be filled by the City Council in the same manner as other vacancies.

Board of
Education.

SECTION 4. A petition for the recall of a member of the Board of Education shall require the signatures of electors equal in number to twenty per cent of the highest number of votes cast for a member of the Board of Education at the past preceding election for members of the Board.

Finances.

SECTION 5. No initiative ordinance providing for the expenditure of public money or for an increase in salaries of any City officer or employee shall take effect until the beginning of the fiscal year next following the date of its adoption.

ARTICLE XXV. CITY MANAGER.

City
Manager:
powers and
duties.

SECTION 1. The City Manager shall be appointed by the City Council. He shall have power and it shall be his duty:

1. To see that the provisions of this charter and all laws and ordinances of the City are enforced;
2. To exercise supervision and control over all departments of the City except the City Attorney, City Clerk, the Police Judge, the Library Board and the Board of Education.
3. To approve with the advice of the City Attorney the bonds of contractors and bidders when such bonds are required;
4. To advise the Council on the financial needs of the City;
5. To attend all meetings of the Council, except when his removal is under discussion;
6. To report to the Council at its regular meetings on matters pertaining to the welfare of the City;
7. To appoint and remove all officers except as otherwise in this charter provided;
8. To recommend ordinances;
9. To purchase without advertising and without contract in writing, supplies and labor not exceeding Five Hundred Dollars;
10. To invite bids and set time and place for opening the same—when with the approval of the Council the contract shall be awarded to lowest responsible bidder, provided, that any and all bids may be rejected and bids again invited;

11. To prepare and present an annual budget as elsewhere in this charter provided;

12. To approve in part or in whole all demands on the City Treasurer.

SECTION 2. The City Manager shall act as purchasing agent Purchaser. for the City. Whenever the amount to be expended for any purchase whatsoever is in excess of Five Hundred Dollars, he shall specify in writing, the quantity, quality and kind and shall advertise for competitive bids. Such bids must be accompanied by a certified check on a responsible bank, for at least ten per cent of the amount of the bid. The advertising shall be by publication of at least two insertions in a newspaper of general circulation, the first insertion to be at least fifteen days prior to the time set for opening the bids; in addition, special invitations may be sent.

SECTION 3. Such administrative authority as is necessary Administrative authority. to the carrying out of the provisions of this article is hereby delegated to the City Manager.

ARTICLE XXVI. MISCELLANEOUS PROVISIONS.

SECTION 1. All general laws of the State applicable to State laws. municipal corporations, now or hereafter enacted, and which are not in conflict with the provisions of this charter or with ordinances or resolutions adopted in pursuance of this charter, shall be applicable to the City.

SECTION 2. Whenever in this charter the word "City" "City." occurs, it means the City of Compton, and every department, board or officer, whenever either is mentioned, means a department, board or officer, as the case may be, of the City of Compton.

SECTION 3. The compensation of elective officers shall not Compensation. be increased during the terms of their respective offices.

SECTION 4. If any officer of the City shall die or remove Vacancies in office. from the City, or absent himself therefrom for more than thirty days consecutively, without the permission of the Council, or if he shall fail to qualify by taking the oath of office and filing his official bond within fifteen days from the time his certificate of election or appointment is mailed or delivered to him, or if he shall resign or be removed from office, or if his election shall finally be declared void by any competent tribunal, or if he shall be convicted of a felony, or if he shall be adjudged insane, or if he shall cease to discharge the duties of his office (other than that of member of the Council) for two consecutive months, unless prevented by sickness, his office shall become vacant.

SECTION 5. All officers and boards shall deliver to their Books, papers, etc. successors, all papers, books, documents, records, archives and other properties pertaining to their respective offices or departments, in their possession or under their control.

SECTION 6. No member of the Council, or of any Board, Interest of officials in contracts. and no officer or employe of the City shall be or become directly or indirectly interested in any contract, work or

business, or in the sale of any article, the expense, price or consideration of which is payable from the City Treasury, nor shall either or any of them receive any gratuity or advantage from any contractor or person furnishing labor or material for the same, and any contract with the City, in which any such officer or employe is or becomes interested, shall be declared void by the Council.

Attention
to duty.

SECTION 7. All elective and appointive officials, their assistants, deputies and clerks, and other employes of the City of Compton shall devote their entire time during business hours to the duties of their respective offices, and shall not engage in any other business or practice, during their respective tenure of office or employment; PROVIDED, HOWEVER, That the members of the City Council, the City Attorney, the Board of Education, the Library Board, the Civil Service Board and the five appointees on the City Planning Commission, and the members of any commission or commissions that may hereafter be created by the City Council, by ordinance, shall be and are specifically excepted from the provisions of this section; AND, PROVIDED, FURTHER, that the provisions of this section shall not be applicable to highly professional or technical assistants employed by the City Council to assist or advise any of the departments of the City.

Giving gifts.

SECTION 8. No officer or employe of the City shall give or promise to give to any person, any portion of his compensation, or any money or thing of value in consideration of having been, or of being nominated, appointed, voted for or elected to any office or employment.

Acceptance
of gifts.

SECTION 9. No officer or employe shall accept any donation of gratuity in money, or other thing of value, either directly or indirectly, from any subordinate or employe, or from any one under his charge, or from any candidate or applicant for any position as employe or subordinate in any department of the City.

Connivance
with bidders.

SECTION 10. No officer or employe of the City shall aid or assist a bidder in securing a contract to furnish labor, or material or supplies at a higher price or rate than that proposed by any other responsible bidder, or shall favor one bidder over another, giving or withholding information, or shall willfully mislead any bidder in regard to the character of the material or supplies called for, or shall knowingly accept materials or supplies of a quality inferior to that called for by the contract, or shall knowingly certify to a greater amount of labor performed than has actually been performed, or to the receipt of a greater amount of material or supplies than has actually been received.

Illegal
demands.

SECTION 11. Every officer who shall willfully approve, allow or pay any demand on the Treasury not authorized by law, shall be liable to the City individually and on his official bond for the amount of the demand so approved, allowed or paid, and shall forfeit such office and be forever disbarred and

disqualified from holding any position in the service of the City.

SECTION 12. All moneys received from taxes, licenses, fees, fines, penalties and forfeitures, and all moneys which may be collected or received by any officer of the City in his official capacity, or by any department of the City, for the performance of any official duty, and all moneys accruing to the City from any source, and all moneys directed by law, or by this charter, to be paid or deposited in the Treasury, shall be paid into the Treasury, daily, except as otherwise provided in this charter. The Treasurer shall receipt for each such deposit in triplicate, giving the original and duplicate to the depositor, who must file the duplicate with the City Controller.

Daily deposit of receipts.

SECTION 13. All books and records of every office and department shall be open to the inspection of any citizens during business hours, subject to the proper rules and regulations for the efficient conduct of the business of such department or office.

Inspection of records.

SECTION 14. Copies or extracts, duly certified, from said books and records open for inspection, shall be given by the officer having the same in custody to any person demanding same and paying or tendering ten cents per folio of one hundred words for such copies or extracts, and the additional sum of twenty-five (25) cents for certifying.

Certified copies of records.

SECTION 15. Unless otherwise provided for by law, all city officers shall keep their offices open for the transaction of business continuously from 8 o'clock a.m. to 5 o'clock p.m. each day except Sundays and holidays.

Office hours.

SECTION 16. All ordinances and resolutions in force at the time this charter takes effect, and not inconsistent therewith, shall continue in full force until amended or repealed.

Ordinances, etc., in force.

SECTION 17. All officers, assistants, and employes in office, when this charter takes effect, shall continue to hold and exercise their respective offices or employment, under the terms of this charter, until the election or appointment and qualification of their successors.

Personnel continued in office.

SECTION 18. The present City Council shall provide for the holding of the first election of officers under this charter and shall canvass the votes and declare the result thereof.

First election.

SECTION 19. All vested rights of the City shall continue and not in any manner be affected by the adoption of this charter, nor shall any right, liability, pending suit or prosecution, either in behalf of or against the City, be affected by the adoption of this charter, unless otherwise herein expressly provided. All contracts entered into by the City or for its benefit prior to the taking effect of this charter shall continue in full force and effect. All public work begun prior to the taking effect of this charter shall be continued and perfected hereunder. Public improvements for which legislative steps shall have been taken under laws in force at the time this charter takes effect, may be carried to completion in accordance with the provisions of such laws.

Effect upon rights, contracts, etc.

Monthly statements.

SECTION 20. On the first day of each month every officer authorized by law to charge any fee, commission, percentage, allowance or compensation, must make a written report to the City Controller of all moneys received by him during the preceding month.

Validity of provisions.

SECTION 21. If any section or part of a section of this charter proves to be invalid, it shall not be held to invalidate or impair the validity of any other section or part of a section, unless it clearly appears that such other section, or part of a section, is dependent for its operation upon the section or part of a section so held invalid.

Local preference.

SECTION 22. When making purchases for all departments of the City local merchants shall be given the preference, quality and prices being equal.

Campaign contributions.

SECTION 23. Neither the City Manager, nor any person in the employ of the City shall take any active part in securing, or shall contribute money toward the nomination or election of any candidate for a municipal office.

Power of Council.

SECTION 24. All the powers of the City except as otherwise provided in this charter, are hereby vested in the Council.

Penalties.

SECTION 25. The violation of any provision of this charter shall be deemed a misdemeanor. The Council may make the violation of any ordinance a misdemeanor and fix the punishments therefor, not exceeding a fine of One Thousand (\$1000.00) Dollars or imprisonment not exceeding one year or both. Any person sentenced to imprisonment for a violation of this charter or of any ordinance, may be imprisoned in the City Jail or in the County Jail of the County in which the City of Compton is situated, in which latter case the expense of such imprisonment shall be a charge in favor of such County against the City of Compton. Persons so imprisoned may also be required by the Council to labor on the streets or other public works of the City.

Charter effective.

SECTION 26. For the purpose of electing all elective officers, and all purposes connected therewith, this Charter shall take effect from the time of its approval by the Legislature. For all other purposes, it shall take effect on the first day of July, 1925.

Tie votes.

SECTION 27. In the event of a tie vote for candidate for an office at any City election, the result shall be determined by lot.

Patented paving.

SECTION 28. In the improvements of streets and alleys of the City no patented paving shall be specified in the advertisement asking bids for such improvement.

Contractors' bonds.

SECTION 29. Contractors, doing general contracting work in the City of Compton shall be required to give bond, paid for by themselves, if a Surety Company bond, for the faithful performance of the contract before being granted a license. Any contractor who neglects or refuses to give such bonds shall have his license revoked.

City Clerk ex officio Controller.

SECTION 30. Until such time as the office of Controller is filled, the City Clerk shall exercise the duties of such office

where named in this Charter, and all demands on the City Treasurer shall be attested by him.

SECTION 31. The Board of Police and Fire Commissioners shall consist of the City Manager and two members of the City Council appointed by the Mayor. Police and
Fire Com-
missioners.

SECTION 32. The improvement of, widening and opening streets, and planting of trees, and all public improvements not specified in this charter may be done and assessments therefor may be levied in conformity with and under the authority conferred by general laws. Public im-
provements.

SECTION 33. In event that additional territory is annexed to the City, the City Council may by ordinance change the boundaries of the districts in this charter provided, keeping the territories of the districts as nearly equal in area as practical. Redistricting
City.

WHEREAS, The City of Compton is a City containing a population of more than thirty-five hundred inhabitants, as ascertained by the last preceding census authorized by the City; and,

WHEREAS, On the fourteenth day of April, 1924, at a special election duly held on that day under and in accordance with the provisions of Section 8, of Article XI of the Constitution of the State of California, the electors of said City did duly choose and elect Mrs. May A. Carson, Mrs. Mattie B. Bennett, Mrs. Maggie M. Lec, Mrs. Della W. Jones, Miss Rena R. Hathorn, Roscoe C. Neel, Loyd J. Kelley, John W. McKee, Charles E. Wood, Joseph H. Dimmler, John H. Stockwell, Dwight Van Crum, Bazil T. Rozelle, Harry A. Chaffee, and Clarence A. Dickison (who are all electors of said City and eligible as candidates under said section), as a Board of fifteen freeholder to prepare and propose a Charter for the government of said City; and

WHEREAS, The result of said election was duly declared by the legislative body, to-wit: The Board of Trustees of said City, on the twenty-first day of April, and the said electors thereafter duly qualified as such freeholders in accordance with law; and,

WHEREAS, The Board of Trustees of said City, prior to the expiration of the one hundred and twenty days allowed by law, did grant an extension of sixty days to the said Board of Freeholders; and,

WHEREAS, The entire period of one hundred eighty days has not expired since the result of said election was declared;

Now THEREFORE, In pursuance of the said provisions of the Constitution of the State of California, and within the said lawful period after the result of said election was so declared, the said Board of Freeholders has prepared and does not propose the foregoing Charter as and for the Charter of the City of Compton.

And the said Board of Freeholders does hereby fix and designate Tuesday, December 9, 1924, as the date for holding a special municipal election in the said City, at which the

said proposed Charter shall be submitted to the electors of said City for their ratification and adoption.

IN WITNESS WHEREOF, We, the undersigned freeholders, have hereunto set our hands at the City of Compton, in the State of California, this 22nd day of September, 1924.

Clarence A. Dickison
President of the Board of Freeholders.
Rena R. Hathorn
Secretary of said Board.

Charles E. Wood
Della W. Jones
Maggie M. Lee
Mattie B. Bennett
Joseph H. Dimmler
Loyd J. Kelley
Bazil T. Rozelle
John W. McKee
May A. Carson
Roscoe C. Neel
John H. Stockwell

Freeholders of the City of Compton.
Filed Compton, California October 1st, 1924.

Maude Hecock
City Clerk of the City of Compton.

Certificate.

We, do hereby certify that the foregoing constitutes a full and true statement of all of the facts and proceedings had by the City of Compton in the matter of the election of the board of freeholders and in the preparation, proposing, filing and voting upon and canvassing the returns and declaring the result of the election in the matter of the proposed charter for the government of the City of Compton, and that said charter, as hereinbefore set forth, is a full and correct copy of the charter as prepared and proposed by the said board of freeholders and of the certificate of said board of freeholders thereto attached and filed in the office of the city clerk of the said City of Compton, on the first day of October, 1924.

IN WITNESS WHEREOF, we have hereunto set our hands and have hereunto affixed the seal of the City of Compton, this twentieth day of January, 1925.

[SEAL]

C. A. DICKISON,
President of the Board of Trustees
of the City of Compton.

MAUDE HECKOCK,
City Clerk of the City of Compton.

**Approval by
legislature.**

WHEREAS, Said charter has been submitted to the legislature of the State of California for approval or rejection without alteration or amendment in accordance with section eight of article eleven of the constitution of the State of California; now, therefore, be it

Resolved by the assembly of the State of California, the senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said charter as presented to, adopted and ratified by said city of Compton, and as hereinabove fully set forth, be and the same is hereby approved as a whole as and for the charter of the city of Compton.

CHAPTER 21.

Assembly Concurrent Resolution No. 9—Relative to a legislative inquiry into the conditions existing in the state land settlement colony at Delhi and requesting the appointment of a joint committee of six members, three from the assembly and three from the senate, to make necessary investigations.

[Filed with Secretary of State January 27, 1925.]

WHEREAS, It appears that considerable refinancing of the state land settlement at Delhi will be asked at this forty-sixth session of the legislature and that it is advisable that this legislature have full first-hand information as to the conditions at Delhi; therefore,

Investigation
of Delhi
state land
settlement.

Resolved by the assembly, the senate concurring, That a committee of six members, consisting of three members of the assembly and three members of the senate, be appointed by the speaker of the assembly and the president of the senate, respectively, to visit Delhi during the constitutional recess and to fully inquire into the situation at Delhi and to report back its findings to this legislature soon after its reconvening February 24, 1925; and,

Resolved, That the sum of six hundred dollars be, and the same is hereby made available for the purpose of defraying expenses of said committee and said investigation, said sum to be paid equally from the contingent funds of the senate and the assembly, and the state controller is hereby authorized and directed to draw his warrants in favor of the chairman of the said committee for such expenditures as 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 22.

Assembly Concurrent Resolution No. 10—Relative to approving amendments to the charter of the city of Watsonville, county of Santa Cruz, State of California, voted for and ratified by the qualified electors of the said city of Watsonville at a special municipal election held therein for that purpose on the nineteenth day of January, 1925.

[Filed with Secretary of State January 27, 1925.]

WHEREAS, The city of Watsonville, of the county of Santa Cruz, State of California, has at all times mentioned herein

Watsonville
city charter
amendments.

been, and now is, a municipal corporation of the said State of California, containing a population of more than three thousand five hundred inhabitants, and is now, and has been, ever since the sixteenth day of February, 1903, organized, existing 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 on the thirtieth day of August, 1902, and approved by the legislature of the State of California on the sixteenth day of February, 1903; and

WHEREAS, The board of aldermen of the said city of Watsonville did, by resolution duly adopted by said board of aldermen on the second day of December, 1924, and approved by the mayor of the said city on the said second day of December, 1924, and pursuant to section eight of article eleven of the constitution of the State of California, duly propose to the qualified electors of said city certain amendments to the charter of the said city of Watsonville to be submitted to the qualified electors of said city at a special municipal election to be held therein on the nineteenth day of January, 1925; and

WHEREAS, Said proposed amendments were published in the "Evening Pajaronian," a newspaper of general circulation printed and published in the city of Watsonville, and having a general circulation therein, for the time and in the manner prescribed by section eight of article eleven of the constitution of the State of California, and copies of said proposed amendments to said charter were printed in convenient pamphlet form, and from the date of the first publication of said proposed amendments as aforesaid until the date fixed for the election on said charter amendments, the board of aldermen of the said city of Watsonville caused to be published in said "Evening Pajaronian," said newspaper of general circulation printed and published in said city of Watsonville, a notice that copies of said proposed amendments to said charter could be had at the office of the city clerk of the city of Watsonville upon application therefor; and

WHEREAS, The said board of aldermen of said city did, by ordinance duly passed and adopted by said board of aldermen on the second day of December, 1924, and approved by the mayor of said city on the second day of December, 1924, order the holding of a special municipal election in the said city of Watsonville on the nineteenth day of January, 1925, said day being at least forty days after the publication of said proposed amendments in said daily newspaper of general circulation in the city of Watsonville, to wit, the "Evening Pajaronian," and did provide in said ordinance for the submission of said proposed charter amendments to the qualified electors of said city for ratification or rejection at said election; and

WHEREAS, Said election was duly held on said nineteenth day of January, 1925, and at said election a majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify said proposed amendments to said charter; and

WHEREAS, The board of aldermen of the said city of Watsonville, in accordance with the law in such cases made and provided, and in accordance with and pursuant to said ordinance, calling said election, did meet on Tuesday, the twentieth day of January, 1925, at their usual place of meeting, and duly canvassed the returns of said election as certified by the election boards, and duly found, determined and declared that the majority of the qualified electors of said city voting thereon had voted for and ratified each of said amendments to the charter of the said city of Watsonville; and

WHEREAS, The said amendments to the charter so ratified by the majority of the qualified electors of said city voting at said election are in the words and figures following, to wit:

CHARTER AMENDMENT NO. 1: That Section 1 of Article V of the Charter of the City of Watsonville, California, be amended to read as follows:

Sec. 1. A Police Department is hereby created for the City of Watsonville. It shall consist of a Chief of Police, who shall be appointed by the Mayor, with the advice and consent of the Board of Aldermen; he shall hold office during the pleasure of said Board.

That Section 3 of Article VIII of the Charter of the City of Watsonville, California, be amended to read as follows:

Sec. 3. At each general election there shall be elected a Mayor, four members of the board of aldermen (one from each ward), a city clerk (who shall be ex-officio city auditor, city assessor and tax and license collector), a city treasurer and a police judge.

That Section 4 of article VIII of the Charter of the City of Watsonville, California, be amended to read as follows:

Sec. 4. The non-elective officers of said City shall consist of a city engineer (who shall be ex-officio superintendent of streets and superintendent of sewers), a chief of police, and a city attorney, and such other officials as the board of aldermen may deem it expedient to appoint.

CHARTER AMENDMENT NO. 2: That Section 1 of Article V of the Charter of the City of Watsonville, California, be amended, by eliminating therefrom the following words, to-wit: "He shall be ex-officio tax and license collector."

That Section 11 of Article V of the Charter of the City of Watsonville be amended to read as follows:

Sec. 11. In addition to the regular police force, the Mayor may, when in his judgment the circumstances require it, appoint such number of special policemen as he may deem necessary for the safety of the City and its inhabitants. Such special policemen shall be appointed to serve for not exceeding two weeks, and shall receive the same compensation and per-

form the same duties as regular police officers. The Mayor may also, with the consent of the Board of Aldermen and upon the petition of any person, firm or corporation, appoint at any time a special policeman for special service, to be paid for by such person, firm or corporation as requires his services; provided, that the locality where such special policeman is to act, shall be described in the warrant appointing him. All special policemen shall have the same power and discharge the same duties as regular police officers, but under the direction and control of the Chief of Police, and be subject to and obey all the rules and regulations of the Police Department.

That Section 2 of Article III of the Charter of the City of Watsonville, California, be amended by adding thereto, at the end thereof, a new subsection, to be numbered 4 and to read as follows:

4. As Tax and License Collector.

Tax and
License
Collector.

The City Clerk shall also be ex-officio Tax and License Collector. He shall collect all taxes, general and special, all city licenses and all other branches of the City's revenue and all money due or payable to said city for whatever cause or from whatever source, except moneys arising from the operation of public utilities, which shall be collected as may by ordinance be provided. 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.

Other duties.

And he shall perform such other duties as may be required by this Charter, the laws of this State and the ordinances of this City.

That Section 3 of Article VIII of the Charter of the City of Watsonville, California, be amended by eliminating therefrom the following words after the word "police," to-wit: "(who shall be ex-officio tax and license collector)."

CHARTER AMENDMENT No. 3: That Section 2 of Article XIII of the Charter of the City of Watsonville, California, be amended to read as follows:

Tax levy
for library.

Sec. 2. The board of directors shall determine annually the amount of money required for the support and maintenance of the public library and for the carrying into effect all the provisions of law in reference thereto, and shall submit in writing to the board of aldermen a careful estimate of all the money required from the city for the above purposes, and the aldermen may each year fix a sufficient percentage of taxes to be levied and collected on the taxable property in the City of Watsonville, not to exceed fifteen cents on each one hundred dollars of the value of all real and personal property of said city as assessed for city purposes, for the pur-

pose of establishing and maintaining said library and purchasing or leasing such real or personal property, books, papers, publications, furniture and fixtures and erecting such buildings as may be necessary therefor. No indebtedness exceeding the amount of the annual levy for this purpose shall be incurred in any one year, provided this limitation shall not be construed to prevent the incurring of permanent improvements to be liquidated by the process of municipal bonds issued by the City of Watsonville in accordance with the general laws of the state for the purpose of defraying the cost of such improvement.

STATE OF CALIFORNIA, }
 COUNTY OF SANTA CRUZ, } ss.
 CITY OF WATSONVILLE. }

THIS IS TO CERTIFY that we, F. W. ATKINSON, Certificate. Mayor of the City of Watsonville, and M. M. SWISHER, City Clerk of the City of Watsonville, have compared the foregoing proposed and ratified amendments to the Charter of the City of Watsonville with the original resolution, ordinance and proclamation proposing such amendments and submitting the same to the qualified electors of said City of Watsonville at a special municipal election called for that purpose on Monday, January 19th, 1925, and find that the foregoing is a full, true, correct and exact copy of said amendments.

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 Watsonville to be attached this 21st day of January, 1925.

F. W. ATKINSON,
 Mayor of the City of Watsonville.
 M. M. SWISHER,
 City Clerk of the City of Watsonville.

[SEAL]

January 21, 1925.

and

WHEREAS, The said 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 the power of alteration or amendment, in accordance with section eight of article eleven of the constitution of the State of California; now, therefore, be it

Approval by
 legislature.

Resolved by the assembly, the senate concurring, a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein, That the said amendments to the said charter of the said city of Watsonville herein set forth, as presented and submitted to and adopted and ratified by the qualified electors of the said city of Watsonville, be, and the same is hereby, approved as a whole for and as amendments to the said charter of the said city of Watsonville.

CHAPTER 23.

Assembly Joint Resolution No. 3—Relative to memorializing congress to adopt a bill introduced by Honorable John E. Raker to provide compensation in lieu of taxes for the several states with respect to certain lands of the United States within the borders of said states, and for other purposes.

[Filed with Secretary of State January 27, 1925.]

Approval of
bill to
provide
compensation
in lieu of
taxes on
U. S. forest
lands.

WHEREAS, Honorable John E. Raker, member of the congress of the United States, representing the second district of California therein, has introduced a bill in the house of representatives being H. R. 8844 which provides: "That the United States government hereby assumes, subject to the conditions of this act or any subsequent act of congress, the payment to the several states of sums of money equivalent to the amounts which such states would receive from the taxation of said lands of the United States within their respective borders if such lands were owned by individuals"; and

WHEREAS, Under act of the congress of the United States approved March 3, 1891, large areas of territory with the timber and other resources thereon and therein were "set apart, reserved, and withdrawn from entry" in the states of California, Oregon, Washington, Idaho, Montana, Wyoming, Colorado, Utah, Nevada, Arizona and New Mexico and in a lesser degree in several of the other states of the Union; and

WHEREAS, The United States government has withdrawn, set apart and reserved within permanent national forests 18,891,161 acres of land within the State of California, approximating one-fifth of the total land area of the state, said lands being set apart, withdrawn from entry and reserved for the purpose of conserving the resources thereof and particularly the standing timber thereon for the benefit of future generations of mankind; and

WHEREAS, The lands of the United States above referred to, comprising in several of the counties to upwards of one-half of the area within the borders of the counties and although exempt from annual taxation are being put to commercial and industrial uses for the benefit of all of the people of the United States which fact places these lands on the same basis as to use as privately owned lands used for the same purpose, and said lands of the United States are in competition with said privately owned lands, and the setting aside, reserving and withdrawing from entry of these large areas of territory in the sparsely settled forest counties and on which the United States pays no taxes results in throwing a heavy tax burden on privately owned property in the same political subdivision of government thus making the financing of local government a difficult problem indeed; and

WHEREAS, This area is not and can not be taxed by any of the thirty-nine counties of California wherein this vast domain

is situated, although each of said counties are required to and do perform therein and thereon all necessary and requisite police powers, equip, maintain and operate schools; equip, maintain and operate courts for the punishment of offenders against the forest and other laws; construct, repair and maintain trails, roads and bridges and to do and perform such other acts, duties and powers as may be necessary to the enjoyment of such forests by the people of the United States as well as of other nations; and

WHEREAS, When state government was instituted and the several states admitted into the Union they were divided into counties, and townships and each of the states, counties and townships were guaranteed the full right of enjoyment of all of the territory and resources within their respective borders and the declared policy of the United States government being to dispose of all of the public domain and article ten of the declaration of rights which formed the basis for the union of the states provides that "No state shall be deprived of territory for the benefit of the United States". In setting apart, reserving and withdrawing from entry nineteen million acres of land for national forest purposes within the boundaries of a single state, surely territory has been taken from that state for the benefit of the United States; and

WHEREAS, The following clause is contained in the enabling act of every state admitted into the union, beginning with Ohio in 1803: "The state when admitted shall be on a basis of equality with the original states in all respects whatever." Therefore all political subdivisions of government should be on a basis of equality, which makes it necessary for all to contribute on a basis of equality to the solution of all problems of national necessity (and we deem the national forests to be national necessities), and if in so doing it becomes necessary to take territory and resources from some of the subdivisions of government, and "set apart, reserve or withdraw" the same from entry for the benefit of all of the others, then those benefited should join in reimbursing the subdivisions of government from which the territory and resources were taken, otherwise there can be no basis of equality; and

WHEREAS, The congress of the United States has enacted legislation known as the "exchange bills" under the provisions of which said law, private owners are enabled to exchange cut-over lands for standing timber on the lands of the United States, and since said law has become operative private owners have availed themselves of the right granted to them under said law and have conveyed hundreds of thousands of acres of such lands to the United States and have received in exchange, hundreds of millions of feet of standing virgin timber from the United States, and as a result of the operation of such legislation, counties in which such exchange have been made or in which such exchanges may hereafter be made, have had or will have taken from them and removed from the assessment rolls of such counties, many thousands of dollars in

assessed valuation, and in addition to this loss of assessed valuation such counties are losing the percentage which they would receive were a sale made instead of an exchange, and as Colonel Greeley, chief forester of the United States, has said of this law, "The forest counties lose both going and coming;" and

WHEREAS, The congress of the United States has enacted the so-called Clark-McNary law, and under the provisions of section seven of said law, private owners are enabled to donate or devise to the United States lands chiefly valuable for the growing of forests, the private owner reserving the timber, mineral, grazing and other rights and when so conveyed become a part of the national forest reserve and not open to entry or taxation, and should timber owners in some of the counties in several of the western states exercise their just right under this law and convey their said lands to the United States, thus taking from the assessment rolls of the counties the immense valuation involved and the right of taxation, it will result in putting many of the forest counties of the west out of business, such counties will be unable to raise sufficient revenue to maintain county government, and if such counties are annexed to a nonforest county in the same state the county to which it is annexed will receive not an asset but a liability; and

WHEREAS, It is only just and right that a heavy burden of local taxation should not be placed annually on the people of any state, in which and by reason of the fact that extensive areas of territory having great natural resources, guaranteed to them in the beginning and later legislated from them, set apart, reserved and withdrawn from entry for the economic use and benefit of all of the people of the United States, and we believe that if the government of the United States can not afford to finance its national forests, then in right and justice it should not expect the sparsely settled forest counties to do so for it; now, therefore, be it

Resolved by the assembly and senate, jointly, That the legislature of the State of California approves of the purpose of the Raker bill referred to and respectfully requests its support and adoption by the congress of the United States at the earliest possible date; and be it further

Resolved, That any moneys to be paid to the State of California, by the United States under the provisions of the Raker bill or any similar bill, or any law enacted by the congress of the United States, based on forest values of the forest counties of California shall be divided among said forest counties in proportion to the forest values fixed by the United States bureau of public roads. *Provided,* that by the term "forest counties" is meant those counties of California, a part of which are in the present national forests; and *provided, further,* that any portion of the timber sale, grazing or other receipts of national forests returned by the federal

government to the State of California, are excepted herefrom; and be it further

Resolved, That the chief clerk of the assembly of the State of California be authorized and directed to transmit copies of this resolution by mail to the governors of the states of Oregon, Washington, Idaho, Montana, Wyoming, Utah, Nevada, Colorado, New Mexico and Arizona with the request that similar action be taken by their respective legislatures; and be it further

Resolved, That the chief clerk of the assembly of the State of California be authorized and directed to transmit copies of this resolution by mail, to all of the members of the congress and senate of the United States.

CHAPTER 24.

Senate Joint Resolution No. 19—Relative to highways.

[Filed with Secretary of State January 27, 1925.]

WHEREAS, There has been proposed in congress a bill known as the "Colton bill" (H. R. 6133, sixty-eighth congress, first session) which provides that the federal government shall pay one hundred per cent of the costs of building and developing certain primary interstate highways; and

Approval of
interstate
highways
bill.

WHEREAS, The State of California and the western part of the United States will profit greatly by the passage of such act; wherefore, be it

Resolved by the senate and assembly, jointly, That the legislature of the State of California hereby respectfully urges and petitions the senators and representatives of this state in congress, to use their best endeavors to secure the passage of the Colton bill; and be it further

Resolved, That the secretary of the senate be and is hereby directed to forward copies of these resolutions to the speaker of the house of representatives, the president of the senate of the United States and the members of the senate and house of representatives from the State of California.

CHAPTER 25.

Assembly Concurrent Resolution No. 5—Approving fifteen (15) certain amendments to the charter of the city of Santa Monica, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the sixteenth day of December, one thousand nine hundred twenty-four.

[Filed with Secretary of State March 10, 1925.]

WHEREAS, The city of Santa Monica in the county of Los Angeles, State of California, contains a populaton of over ten thousand (10,000) inhabitants, and has been ever since the year 1907, and now is, organized and acting under a free-

Santa
Monica
city charter
amendments.

holders' charter, adopted under and by virtue of section eight (8) article eleven (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 twenty-eighth day of March, 1906, and approved by the legislature of the State of California February, 1907 (Statutes of 1907, p. 1007), and amendments thereto duly adopted by the qualified voters of said city and by resolution of said legislature filed with the secretary of state of the State of California, January 26, 1915 (statutes of 1915, p. 1714), and amendments thereto duly adopted by said voters and said legislature and filed with the secretary of state January 21, 1919 (statutes of 1919, p. 1393); and

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of certain amendments to the charter of said city of Santa Monica as set out in the certificate of the Commissioner of Public Safety, exofficio Mayor and Commissioner of Finance, exofficio City Clerk and exofficio Clerk of the City Council of said City of Santa Monica, as follows, to wit:

Certificate. CERTIFICATE OF ADOPTION BY THE QUALIFIED ELECTORS OF THE CITY OF SANTA MONICA AT A SPECIAL MUNICIPAL ELECTION HELD THEREIN ON THE SIXTEENTH DAY OF DECEMBER 1924 OF CERTAIN AMENDMENTS TO THE CHARTER OF THE CITY OF SANTA MONICA, STATE OF CALIFORNIA.

State of California, }
 County of Los Angeles, } ss.
 City of Santa Monica. }

WHEREAS, the City of Santa Monica in the County of Los Angeles, State of California, contains a population of over ten thousand (10,000) inhabitants, and has been ever since the year 1907, and now is, organized and acting under a freeholders' charter, adopted under and by virtue of section eight, 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 26th day of March, 1906, and approved by the Legislature of the State of California, February 1907, (Statutes of 1907, p. 1007), and amendments thereto duly adopted by the qualified voters of said city, and by Resolution of the said Legislature filed with the Secretary of State of California, January 26th, 1915, (Statutes of 1915, p. 1714), and amendments duly adopted by said voters and said Legislature and filed with the Secretary of State January 21st, 1919, (Statutes of 1919, p. 1393), and

WHEREAS, the legislative body of said city, namely, the City Council of the City of Santa Monica did, pursuant to the provisions of section eight of Article XI of the Constitution of the State of California, by Ordinance adopted November 5th, 1924, being Ordinance No. 296, (Commissioners' Series), entitled:

“AN ORDINANCE OF THE CITY OF SANTA MONICA PROPOSING VARIOUS AMENDMENTS TO THE CHARTER OF THE CITY OF SANTA MONICA AND PROVIDING FOR THE SUBMISSION OF THE SAME TO THE QUALIFIED ELECTORS THEREOF FOR ADOPTION AND RATIFICATION AT A SPECIAL MUNICIPAL ELECTION TO BE HELD ON THE SIXTEENTH DAY OF DECEMBER, 1924”, duly propose to the qualified electors of the City of Santa Monica, nineteen (19) amendments to the charter of said city, being therein designated as Proposed Charter Amendment No. 1, Proposed Charter Amendment No. 2, Proposed Charter Amendment No. 3, Proposed Charter Amendment No. 4, Proposed Charter Amendment No. 5, Proposed Charter Amendment No. 6, Proposed Charter Amendment No. 7, Proposed Charter Amendment No. 8, Proposed Charter Amendment No. 9, Proposed Charter Amendment No. 10, Proposed Charter Amendment No. 11, Proposed Charter Amendment No. 12, Proposed Charter Amendment No. 13, Proposed Charter Amendment No. 14, Proposed Charter Amendment No. 15, Proposed Charter Amendment No. 16, Proposed Charter Amendment No. 17, Proposed Charter Amendment No. 18, and Proposed Charter Amendment No. 19, and did order that said amendments be submitted to said qualified electors at the special municipal election to be held on the 16th day of December, 1924, which date was fixed in said ordinance as the date for holding said special municipal election; and

WHEREAS, said proposed charter amendments numbers one to nineteen inclusive were, and each of them was on November 5th, 1924, duly published in the Santa Monica Evening Outlook, a daily newspaper of general circulation printed, published and circulated in the said City of Santa Monica and designated by said Council for that purpose; and

WHEREAS, said proposed amendments were printed in convenient pamphlet form, and from November 5th, 1924 to December 15th, 1924, both inclusive, a notice was published in said Santa Monica Evening Outlook, the newspaper aforementioned, that said copies could be had upon application therefor at the office of the city clerk of said city, and said proposed amendments in such pamphlet form were in fact available at the office of said city clerk; and

WHEREAS, the said Council of said city did by ordinance duly adopted on the 14th day of November, 1924, being Ordinance No. 298 (Commissioners' Series), entitled: “AN ORDINANCE CALLING A SPECIAL ELECTION TO BE HELD ON TUESDAY, THE 16th DAY OF DECEMBER, 1924, IN THE CITY OF SANTA MONICA, IN THE COUNTY OF LOS ANGELES, WHICH IS CONTIGUOUS TO THE CITY OF LOS ANGELES, PROPOSED TO BE CONSOLIDATED WITH SAID CITY OF LOS ANGELES, PROVIDING FOR THE HOLDING OF SUCH ELECTION AND SUBMITTING TO THE ELECTORS RESIDING IN

SAID CITY OF SANTA MONICA THE QUESTION WHETHER SAID CITY OF SANTA MONICA SHALL BE CONSOLIDATED WITH THE SAID CITY OF LOS ANGELES AND THE PROPERTY OF SAID CITY OF SANTA MONICA BE, AFTER SUCH CONSOLIDATION, SUBJECT TO TAXATION EQUALLY WITH THE PROPERTY WITHIN THE CITY OF LOS ANGELES, TO PAY CERTAIN BONDED INDEBTEDNESS OF SAID CITY OF LOS ANGELES OUTSTANDING AT THE DATE OF SUCH CONSOLIDATION, OR THERETOFORE AUTHORIZED, ESTABLISHING CONSOLIDATED ELECTION PRECINCTS AND POLLING PLACES IN SAID CITY OF SANTA MONICA, APPOINTING THE OFFICERS OF ELECTION FOR SAID SPECIAL ELECTION, AND FOR THE SPECIAL ELECTION TO BE CONSOLIDATED THEREWITH, PROVIDING FOR THE PUBLICATION OF NOTICE OF SUCH ELECTION; CALLING A SPECIAL ELECTION TO BE HELD ON SAID TUESDAY, THE 16th DAY OF DECEMBER, 1924, IN SAID CITY FOR THE PURPOSE OF SUBMITTING NINETEEN (19) PROPOSED AMENDMENTS TO THE CHARTER OF SAID CITY OF SANTA MONICA UNDER THE PROVISIONS OF SECTIONS 8 AND 8½ OF ARTICLE ELEVEN OF THE CONSTITUTION OF THE STATE OF CALIFORNIA, CONSOLIDATING SAID SPECIAL ELECTION WITH THE SPECIAL ELECTION CALLED IN THIS ORDINANCE FOR CONSOLIDATION OF THE CITY OF SANTA MONICA WITH THE CITY OF LOS ANGELES.", order the holding of a special municipal election in said City of Santa Monica on the 16th day of December, 1924, which said date was more than forty days and less than sixty days after the completion of the publication of said Nineteen (19) Proposed Amendment as aforesaid; which said ordinance was signed by the Mayor of said city on the said 14th day of November, 1924, and was published on the 14th day of November, 1924, in said newspaper, the Santa Monica Evening Outlook; and

WHEREAS, said special municipal election was by said ordinance ordered consolidated according to law with an election called for the purpose of submitting to the electors of said city the question whether the City of Santa Monica should be consolidated with the City of Los Angeles, as more fully appears from the title of said ordinance hereinabove quoted; and

WHEREAS, said special municipal election was held in said city of Santa Monica on the 16th day of December, 1924, which date was more than forty days and less than sixty days after said proposed amendments to said charter had been published in the Santa Monica Evening Outlook, and said election was also held during the six months next preceding a regular session of the Legislature of the State of California; and

WHEREAS, thereafter the said Council of said City of Santa Monica had duly canvassed the returns of said special municipal election, and did on the 23rd day of December, 1924, duly and regularly declare the canvass of the returns of said election; and

WHEREAS, at said special municipal election held on said 16th day of December, 1924, fifteen (15) of said Proposed Amendments were ratified by a majority of the electors of said city voting thereon, to-wit: Proposed Charter Amendment No. 1, Proposed Charter Amendment No. 2, Proposed Charter Amendment No. 3, Proposed Charter Amendment No. 5, Proposed Charter Amendment No. 8, Proposed Charter Amendment No. 10, Proposed Charter Amendment No. 11, Proposed Charter Amendment No. 12, Proposed Charter Amendment No. 13, Proposed Charter Amendment No. 14, Proposed Charter Amendment No. 15, Proposed Charter Amendment No. 16, Proposed Charter Amendment No. 17, Proposed Charter Amendment No. 18 and Proposed Charter Amendment No. 19; and all other amendments received less than a majority of the votes of the qualified electors voting thereon, and were not ratified; and

WHEREAS, the said Fifteen (15) Charter Amendments so ratified by the electors of the City of Santa Monica, 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 XI of the Constitution of the State of California, and are in words and figures as follows, to-wit:

Amendments
ratified by
electors.

Proposed Charter Amendment No. 1.

Sub-section four of section one of article II of the Charter of the City of Santa Monica is hereby amended so that the same shall be and read as follows:

Section 1. The said corporation shall have the power (4), to erect and maintain public buildings, and to lay out and establish, improve and maintain public parks and cemeteries, to acquire by purchase, condemnation or otherwise, or lease such buildings, parks and cemeteries, and to acquire by purchase, or lease, condemnation or otherwise, and to construct, establish, maintain, equip, own and operate libraries, reading rooms, art galleries, museums, playgrounds, places of recreation, camps, fountains, baths, dispensaries, infirmaries, hospitals, free municipal employment offices, charitable institutions, jails, houses of correction and reform schools, work houses, detention houses, morgues, cemeteries, garbage cleaning, garbage disposal and garbage reduction works, street cleaning and street sprinkling plants and apparatus, quarries, plants for the production, making or assemblage of asphalt or any other substance or material for use in the building, maintenance or repair of streets, plants, appliances and equipment for the construction, maintenance and repair of wharves, docks, slips and quays, and for the maintenance of proper

Public
works.

depths of water on and along the water front of the city and all other public buildings, places, works, institutions and establishments, whether situated inside or outside of the city limits which may be necessary or convenient for the transaction of public business or for promoting the health, morals, education or welfare of the inhabitants of the city, or for their amusement, recreation, entertainment or benefit.

Proposed Charter Amendment No. 2.

There shall be added to article II, (two), two new sections, to be numbered section 1-a and 1-b, respectively, which shall be and read as follows:

Tax levy
for music.

Section 1-a. Not more than twelve cents on each one hundred (\$100.00) dollars worth of taxable property out of the fifteen cents mentioned in sub-division eleven of section one of article two of this charter shall be expended for music.

Tax levy for
advertising,
recreation
and enter-
tainment.

Section 1-b. Out of the fifteen cents on each one hundred (\$100.00) dollars worth of taxable property specified in sub-division eleven of section one of article two of this charter, there shall be expended not less than three cents for advertising, recreation and entertainment. Or, in the event that there be not sufficient reason for expending the whole sum of three cents in any one year, so much thereof as is not expended shall be set aside for advertising in any future year or years.

Proposed Charter Amendment No. 3.

That a new section be added to article two of the charter of the City of Santa Monica to be designated as section 1-c.

Tax levy for
relief of
poor, etc.

Section 1-c. The dollar limit specified in subdivision eleven of section one of article two of this Charter shall not include monies to be expended for the care and relief of needy persons within the City of Santa Monica unable to care for themselves, and having no relatives legally liable and able to care for them, and for the prevention of epidemic, but there may be provided in the tax levy in any year a levy not to exceed one (1) cent on each one hundred (\$100.00) dollars worth of taxable property within the said City of Santa Monica for the care and relief of such persons, and the prevention of epidemics.

Proposed Charter Amendment No. 5.

Section 3 (three) of Article III (three) of the Charter of the City of Santa Monica is hereby amended so that the same shall be and read as follows:

Commis-
sioner of
Public
Safety.

Section 3. The Commissioner of the Department of Public Safety shall be ex-officio Mayor of the City, Chief of Police, Superintendent of Buildings, Health Officer and Fire Commissioner, and he shall perform the duties of said officers as provided by law. The Board of Health and the Board of Police Commissioners and the Board of Fire Commissioners are hereby abolished and their duties are conferred upon the Commissioner of the Department of Public Safety.

He shall have charge of all matters pertaining to the care and relief of the needy, the establishment of employment bureaus, dispensaries, hospitals and the like, and the prevention of epidemics, and may employ such employees and professional services as may be necessary to carry on such work. The salaries of any employees engaged in this work shall be fixed by ordinance, but the said Commissioner of Public Safety may, anything to the contrary in this charter notwithstanding, expend, in case of emergency, sums up to Two Hundred Fifty (\$250.00) Dollars, without authorization of the Council, and he shall at all times have the power to expend sums less than One Hundred (\$100.00) Dollars in connection with any of the matters mentioned in this paragraph in the same manner that he or any other head of a department is authorized to make expenditure.

The Commissioner of Public Works shall be ex-officio Street Superintendent, Park Commissioner and Water Commissioner, and shall perform the duties of such officers as provided by law, except to the extent that any of such duties may be herein conferred upon the Board of Public Utilities. He shall also have charge of all public works, buildings and properties of every kind and description, except fire, library and school buildings and properties, and except that the Board of Public Utilities shall have such control of works, buildings and properties used for or pertaining to the operation of public utilities, as is conferred upon them by this charter.

Commissioner of Public Works.

The Board of Park Commissioners is hereby abolished, and its duties conferred upon said Commissioner.

The Board of Water Commissioners is hereby abolished and its duties conferred upon said Commissioner, except in so far as any of said duties may be in this charter conferred upon the Board of Public Utilities.

The Commissioner of the Department of Finance shall be ex-officio vice-president of the Council, City Clerk, City Assessor, City Treasurer and City Tax and License Collector, and shall perform the duties of all of said officers as provided by law.

Commissioner of Finance.

In the absence or during the inability to act of the Commissioner of Public Safety, said Commissioner of the Department of Finance shall be ex-officio acting Mayor, and may sign any Deeds, Ordinances or other documents required by law to be signed by the ex-officio Mayor.

Proposed Charter Amendment No. 8.

There is hereby added to Article IV (four) of the Charter of the City of Santa Monica a new section to be numbered 25-d, which shall be and read as follows:

Section 25-d. The City Council shall have the power in its discretion, upon recommendation of the head of the Department in which any employe herein specified is employed, to allow regular monthly salary demands for a period of not to exceed six months to any employe of the city, who having

Incapacity for duty: salary allowance in case of.

been in the employ of the city for a period of five (5) years, at the time of his incapacity may be for any reason incapacitated from performing his duties.

This provision shall not apply in any case where an employe was incapacitated in or as the result of the performance of his duties, in such a manner as to entitle him to benefits conferred under the Workmen's Compensation Insurance and Safety Act of the State of California.

Proposed Charter Amendment No. 10.

Section 2 (two) of Article V (five) of the Charter of the City of Santa Monica is hereby amended so that the same shall be and read as follows:

CITY CLERK.

City Clerk:
duties of.

Section 2. The City Clerk shall have the custody of, and be responsible for, 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 keep a record of its proceedings.

He shall keep separate books in which respectively he shall record all ordinances and contracts and official bonds.

He shall keep all books properly indexed, and open to public inspection when not in actual use.

He shall make out, and sign all licenses other than building permits, and perform such other duties as are, or shall be, imposed by this Charter, or by ordinance.

He shall act as the general accountant and fiscal agent of the city, and shall exercise a general superintendence over all the officers of the city charged in any manner with the receipt, collection or disbursement of the city revenues.

He shall keep a complete set of books, in which he shall set forth in a plain and business-like manner every money transaction of the city, so as to show at all times the state of each fund, from which source the money was derived, and for what purpose any money was expended, and also all collections made and paid into the treasury by each officer or any other person.

He shall on application of any person indebted to the city, holding money payable into the city treasury, or desiring to pay money therein, deliver to such person a countersigned order on the city treasurer, in duplicate, stating the amount claimed as payable, by whom to be paid, and designating to what fund it is applicable; he shall file such orders with the city treasurer's duplicate receipts for money paid into the city treasury, and shall charge the city treasurer with the amounts received by him.

He shall audit and approve all demands against the city before payment, and keep a record of the same as hereinafter provided in Article XIII. He shall on or before the first day of July in each year make and present to the Council a report as to the revenue and expenses of the city for the current fiscal

year and in which he shall set forth estimates of (1), the revenue from sources other than taxation; (2), the itemized expenditures; (3), the itemized amounts necessary to be raised by taxation for each fund.

He shall act as ex-officio Clerk of the Police Court and ex-officio Clerk of the Board of Equalization.

He shall perform such other duties as shall be required of him by this Charter or by ordinance.

Proposed Charter Amendment No. 11.

Section 3 of Article V of the City Charter of the City of Santa Monica is hereby amended so that the same shall be and read as follows:

CITY TREASURER.

Section 3. It shall be the duty of the city treasurer to receive and keep all moneys that shall come to the city by taxation or otherwise, and to pay the same out on demands legally audited in the manner hereinafter provided; and without such auditing he shall disburse no public moneys whatever, except the principal and interest of the municipal debt when payable. Treasurer:
duties of.

He shall receive no money into the city treasury unless accompanied by an order of the city clerk provided for in section 2 hereof.

After verifying the amount to be paid into the city treasury, he shall fill in and sign the receipt contained in the order of the city clerk, and shall issue the original to the person paying the money, and shall file the duplicate with his records.

He shall make a report at the close of each month, to the city clerk, showing all moneys received during the preceding month, together with the number of each receipt given by him therefor, and what account and from whom received and to what fund applied, and he shall make such special reports from time to time as may be required by the Council.

The Mayor, City Attorney, the Finance Committee of the Council, or any special Committee appointed by the Council, separately, or collectively, and with the aid of an accountant selected by such officer or committee, shall have the right and power to examine the books of the treasurer at all times; and the Mayor, Clerk, Attorney or Finance Committee shall also have the right to inspect and count all public moneys.

Proposed Charter Amendment No. 12.

Section 16 (sixteen) of Article V (five) of the Charter of the City of Santa Monica is hereby amended so that the same shall be and read as follows:

REPORTS OF OFFICERS.

Section 16. It shall be the duty of the Mayor, City Attorney, City Treasurer, City Assessor, Chief of Police, Health Officer, City Clerk, City Engineer, Superintendent of Building, Street Superintendent, Chief of the Fire Department, Reports of
officers.

Secretary of Board of Education, Board of Trustees of the Santa Monica public library, and the Board of Park Commissioners, each to present to the Council at a meeting of the Council in the third week of July of each year a report for the preceding fiscal year ending the 30th day of June.

Proposed Charter Amendment No. 13.

Section 19 (nineteen) of Article V (five) of the Charter of the City of Santa Monica is hereby amended so that the same shall be and read as follows:

Estimates
for ensuing
year.

Section 19. Every officer or Board of the City shall make out and file with the City Clerk, on or before the 15th day of May in each year, a detailed estimate of the expenses of his or its office or department, for the year commencing on the first day of July following said report.

Proposed Charter Amendment No. 14.

There is hereby added to Article V of the Charter of the City of Santa Monica, a new section to be numbered 20-a, which shall be and read as follows:

PLAYGROUND AND RECREATION CENTERS UNDER DEPARTMENT OF PUBLIC WORKS.

Playgrounds
and recrea-
tion centers.

Section 20-a. All public playgrounds, recreation centers and summer camps now or hereafter owned or controlled by the city, either within or without its limits, shall be under the control and management of the Commissioner of Public Works, subject to the control of the Council. Said Commissioner shall have power to organize and conduct physical training and exercise, athletics, sports, games, leagues, tournaments and pageants in and upon the recreation centers owned or controlled by the city, and also in and upon other grounds, athletic fields, gymnasias, swimming pools and other suitable places. The said Commissioner may employ and appoint superintendents, laborers, instructors and other officers and assistants in and about such playgrounds and recreation work, prescribe and fix their duties and authority and qualifications as to residence or otherwise. Their salaries shall be fixed by ordinance as are the salaries of other city employees.

Proposed Charter Amendment No. 15.

Section 2 (two) of Article XI (eleven) of the Charter of the City of Santa Monica is hereby amended so that the same shall be and read as follows:

City
elections.

Section 2. General municipal elections shall be held on the first Tuesday in December, 1925, and thereafter every two years.

Any matter may be submitted to a vote of the electors at said election.

Special elections may be called at any time by the City Council for any purpose required by law.

ELECTION OF OFFICERS. The mode of election of all elective officers of the city to be voted for at any municipal

election, shall be as follows, and not otherwise: Candidates for said office shall be nominated as follows:

The name of the candidate shall be printed upon the ballot when a petition for nomination shall have been filed in his behalf in the manner and form and under the conditions hereinafter set forth. The petition of nomination shall contain not less than twenty-five (25) or more than thirty-five (35) individual signatures which shall read substantially as follows:

“PETITION OF NOMINATION OF CANDIDATE FOR THE OFFICE OF

Form of petition.

STATE OF CALIFORNIA,
COUNTY OF LOS ANGELES,
CITY OF SANTA MONICA. } ss.

I, the undersigned, certify that I do hereby join in a petition for the nomination of _____, whose residence is at No. _____ Street, Santa Monica, California, for the office of _____, to be voted for at the municipal election to be held in the city of Santa Monica, 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 to the above named office; and I further declare that I intend to support for such nomination the candidate named herein.

Table with 4 columns: No. Precinct, Signature, Residence, Date. Rows include 1, 2, 3, 4, and 6 to 35, inclusive.

“VERIFICATION DEPUTY’S AFFIDAVIT

STATE OF CALIFORNIA,
COUNTY OF LOS ANGELES,
CITY OF SANTA MONICA. } ss.

I, _____, solemnly swear (or affirm) that I have been duly appointed as a verification deputy to secure signatures in the City of Santa Monica, County of Los Angeles, State of California, to the annexed paper of _____ for the office of _____, that all the signatures on this nomination paper numbered from _____ to _____ inclusive, were made in my presence, and that to the best of my knowledge and belief each of said

signatures is the original signature of the person whose name it purports to be.

Subscribed and sworn to before me this _____ day of _____, 19____. _____ Verification Deputy.

Notary Public in and for the County of Los Angeles, State of California.

(Or other officer.)

This petition of nomination shall, if found insufficient, be returned to _____, at No. _____ Street, Santa Monica, California."

It shall be the duty of the City Clerk to furnish, upon application, a reasonable number of official forms of petitions of nomination of the above character. Each petition of nomination must contain the name of one candidate and no other.

Each signer to the nominating petition must be a qualified elector, and must not at the time of signing, have signed his name to the petition of any other candidate for the same office.

Verification deputies.

Verification deputies, under this section, must be qualified electors of the City of Santa Monica, and shall be appointed by the city clerk upon application in writing, signed by not less than five (5) qualified electors of the city. The applicant shall set forth that the signers thereto desire to procure the necessary 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, secure the signatures of the signers of petitions of nomination; their appointments shall continue only until all of the petitions 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, places of residence, occupation, and that they are duly qualified electors of the city of Santa Monica, California.

Presentation of petitions.

The petition of nomination may be presented to the city clerk not earlier than forty-five (45) days, nor later than thirty (30) days before the election. The clerk shall endorse thereon the date upon which the petition was presented to him.

Examination of petitions.

When the petition of nomination is presented to the city clerk for filing, he shall forthwith examine the same, and see whether it conforms to the provisions of this section. If found not to conform thereto, he shall then and there in writing declare 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 not later than twenty-six (26) days prior to the election.

Any signer to any petition of nomination may withdraw his name from the same by filing with the city clerk a verified revocation of his signature before the filing of the petition by the clerk, and not otherwise. He shall then be at liberty to sign a petition for another candidate for the same office.

Withdrawal
of signatures.

Any person whose name has been presented under this section as a candidate, may, not later than twenty-five (25) 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.

Withdrawal
of
candidates.

If either the original or the amended petition of nomination shall be found sufficient as hereinbefore provided, the clerk shall file the same twenty-five (25) days before the day of the election. When the 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.

Filing of
petitions.

The city clerk shall preserve in his office for the period of two (2) years all petitions of nomination and all certificates belonging thereto filed under this section.

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 at least twenty (20) days prior to the election, file in his office a notice of the date of such election and the offices to be filled, naming and numbering them in numerical order, unexpired terms or short terms being designated next after the full terms or long terms. He shall also designate in such notice the election officers who have been appointed for each precinct and the polling places therein where the voting for such election shall be had, and shall include in said notice the list of candidates nominated as hereinabove mentioned. He shall immediately thereafter cause one copy of such notice to be posted in a prominent place in his office.

Notice of
election.

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, set forth in the notice of election, and shall be in substantially the following form:

Ballots.

“GENERAL MUNICIPAL ELECTION OR SPECIAL MUNICIPAL ELECTION, CITY OF SANTA MONICA, (inserting the date thereof).

INSTRUCTIONS TO VOTERS:

TO VOTE STAMP 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, OR TEAR, OR DEFACE THIS BALLOT, RETURN IT TO THE INSPECTOR OF ELECTION AND OBTAIN ANOTHER.”

All ballots shall be precisely of the same size, quality, tint of paper, and 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.

The names of the candidates for each office shall be arranged alphabetically by the city clerk, and nothing on the ballot shall be indicative of the source of the candidacy or of the support of any candidate.

The name of every candidate who has been duly and regularly nominated, and who has not withdrawn his name as herein provided, shall be printed upon the ballot.

The offices to be filled shall be arranged in separate columns in the following order:

Commissioner of Public Safety. Vote for one.

Commissioner of Public Works. Vote for one.

Commissioner of Finance. Vote for one.

A Police Judge. Vote for one.

Members of the Board of Education. Vote for (designating the number to be elected).

Spaces of suitable size shall be provided at the right of the name of each candidate wherein to stamp the cross.

Half-inch space shall be left below the printed names of candidates for each office equal in number to the number to be voted for wherein the person may write the name of any person or persons for whom he may wish to vote.

Sample ballots.

The clerk shall cause to be printed sample ballots identical in form 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 (5) days before the day fixed for such election, and shall mail one such ballot to each voter entitled to vote at said election, so that all of the said sample ballots shall have been mailed at least three whole days before said election.

Counting votes.

As soon as the polls are closed the election judges shall immediately open the ballot boxes, take therefrom and count the ballots and note the total number thereof on the tally sheet provided therefor. They shall carefully enter the number of votes for each candidate on said tally sheet and make return thereon to the city clerk as provided by law. The candidate receiving the highest number of votes cast for the particular office for which he is a candidate shall be declared elected. If the person elected fails to qualify, the office shall be filled as if there were a vacancy in such office as hereinbefore in this charter provided.

GENERAL ELECTION REGULATIONS.

General regulations.

The provisions of any state law, now or hereafter in force, except as the council may otherwise by ordinance provide, relating to the qualifications and registrations 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, except as otherwise provided in this article, so far as they may be applicable, shall govern all municipal elections; provided, also, that the council shall meet as a canvassing board and duly canvass the election returns within two days after any municipal election. Whenever any member of the council is a candidate for re-election, the council shall appoint some justice of the peace or notary of said city to take the place of said candidate upon said canvassing board as a member thereof.

Political activity. No person in the employ of the city shall take any active part, or contribute any money towards nomination or election of any candidate. A violation of any of the provisions of this Section by any candidate or officer shall disqualify him from holding the office for which he may be elected or appointed. Political activity.

No informalities in conducting any municipal election shall invalidate the same, if the election has been conducted fairly and in substantial conformity to the regulations of this charter. Informalities.

Proposed Charter Amendment No. 16.

There is hereby added to Article XII (twelve) of the Charter of the City of Santa Monica a new section to be numbered section 1-a which shall be and read as follows:

Section 1-a. In the letting of contracts or sub-contracts for mechanical and other labor within the control of the city council of the City of Santa Monica which are to be paid for with money raised by taxation or the proceeds of a bond issue, preference shall be given to persons residing within the territory so taxed or within the district covered by such bond issue, due regard being had to the quality, price and availability of such labor. Residents to be preferred.

Proposed Charter Amendment No. 17.

There is hereby added to Article XV (fifteen) of the Charter of the City of Santa Monica a new section to be known and numbered as section 4 which shall be and read as follows:

Section 4. No petition for initiative or recall shall be of any force or effect unless filed with the officer or body designated herein to receive the same, within sixty (60) days of the date of obtaining the first signature thereto. Time limit.

Proposed Charter Amendment No. 18.

Section 5 of Article XVI (sixteen) of the Charter of the City of Santa Monica is hereby amended so that the same shall be and read as follows:

Section 5. The fiscal year of the city shall begin on the first day of July of each year and end on the thirtieth day of June following. Fiscal year.

Proposed Charter Amendment No. 19.

There is hereby added to the Charter of the City of Santa Monica a new article to be numbered XVA to be and read as follows:

ARTICLE XVA.

RELIEF AND PENSION FUND.

Relief and
Pension
Fund.

Section One. The City Council shall, by ordinance, create a fund to be known as the "RELIEF AND PENSION FUND", and provide for the payment into said fund a percentage of each month's pay from all the members of the police and fire departments and from all the members of such other departments as may by said ordinance be declared to be entitled to relief out of said fund, and shall also provide for including in the annual budget an amount not exceeding one per cent of the general tax levy to be paid into said fund.

Beneficiaries.

Section Two. The Council shall, in the ordinance creating said fund, designate who are to receive benefits out of said fund and upon what conditions and to what extent; provided, that no member of any department, or the widow or children of such member, shall be entitled to a pension unless such member shall have been an active member of the department for at least twenty years.

NOW THEREFORE, we, the undersigned, J. C. STEELE, Commissioner of Public Safety, ex-officio Mayor of the City of Santa Monica, State of California, and F. A. HELTON, Commissioner of Finance, ex-officio City Clerk and ex-officio Clerk of the City Council of said City, do hereby certify that the foregoing proposed ratified amendments to the charter of the City of Santa Monica, submitted to the electors of said city at a special municipal election held in said city on the Sixteenth day of December, 1924, have been compared by us, and each of us, with the respective proposed amendments set forth in the ordinance adopted by the Council as hereinbefore stated, and that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said charter are, and each of them is true.

IN TESTIMONY WHEREOF, we have hereunto set our hands and caused the same to be authenticated by the Seal of said City of Santa Monica this 16th day of January, 1925.

[SEAL]

J. C. STEELE,
Commissioner of Public Safety,
ex-officio Mayor of the City of
Santa Monica.

F. A. HELTON,
Commissioner of Finance, ex-officio
City Clerk, ex-officio Clerk of
the City Council of the City of
Santa Monica.

WHEREAS, Said amendments have been submitted to the legislature of the State of California for approval or rejection without alteration or amendment, in accordance with section eight (8) of article eleven (XI) of the constitution of the State of California. Now therefore be it

Approval by
legislature.

Resolved by the assembly of the State of California, the senate thereof concurring, a majority of all members elected to each house voting therefor and concurring therein, that said amendments to the charter of the city of Santa Monica, State of California, as proposed to, adopted and ratified by the electors of said city as hereinbefore fully set forth, be and the same are and each of them is hereby approved as a whole without amendment or alteration for and as amendments to and as a part of the charter of the said city of Santa Monica.

CERTIFICATE OF ADOPTION BY THE QUALIFIED ELECTORS OF THE CITY OF SANTA MONICA AT A SPECIAL MUNICIPAL ELECTION HELD THEREIN ON THE SIXTEENTH DAY OF DECEMBER 1924 OF CERTAIN AMENDMENTS TO THE CHARTER OF THE CITY OF SANTA MONICA, STATE OF CALIFORNIA.

State of California, }
County of Los Angeles, } ss.
City of Santa Monica. }

WHEREAS, the City of Santa Monica in the County of Los Angeles, State of California, contains a population of over ten thousand (10,000) inhabitants, and has been ever since the year 1907, and now is, organized and acting under a freeholders' charter, adopted under and by virtue of section eight, 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 28th day of March, 1906, and approved by the Legislature of the State of California February 1907, (Statutes of 1907, p. 1007), and amendments thereto duly adopted by the qualified voters of said city, and by Resolution of the said Legislature filed with the Secretary of State of California, January 26th, 1915, (Statutes of 1915, p. 1714), and amendments duly adopted by said voters and said Legislature and filed with the Secretary of State January 21st, 1919, (Statutes of 1919, p. 1393), and

WHEREAS, the legislative body of said city, namely, the City Council of the City of Santa Monica did, pursuant to the provisions of section eight of Article XI of the Constitution of the State of California, by Ordinance adopted November 5th, 1924, being Ordinance No. 296, (Commissioners' Series), entitled:

"AN ORDINANCE OF THE CITY OF SANTA MONICA PROPOSING VARIOUS AMENDMENTS TO THE CHARTER OF THE CITY OF SANTA MONICA AND PROVIDING FOR THE SUBMISSION OF THE SAME TO THE QUALIFIED ELECTORS THEREOF FOR ADOPTION AND RATIFICATION AT A SPECIAL

MUNICIPAL ELECTION TO BE HELD ON THE SIXTEENTH DAY OF DECEMBER, 1924", duly propose to the qualified electors of the City of Santa Monica, nineteen (19) amendments to the charter of said city, being therein designated as Proposed Charter Amendment No. 1, Proposed Charter Amendment No. 2, Proposed Charter Amendment No. 3, Proposed Charter Amendment No. 4, Proposed Charter Amendment No. 5, Proposed Charter Amendment No. 6, Proposed Charter Amendment No. 7, Proposed Charter Amendment No. 8, Proposed Charter Amendment No. 9, Proposed Charter Amendment No. 10, Proposed Charter Amendment No. 11, Proposed Charter Amendment No. 12, Proposed Charter Amendment No. 13, Proposed Charter Amendment No. 14, Proposed Charter Amendment No. 15, Proposed Charter Amendment No. 16, Proposed Charter Amendment No. 17, Proposed Charter Amendment No. 18, and Proposed Charter Amendment No. 19, and did order that said amendments be submitted to said qualified electors at the special municipal election to be held on the 16th day of December, 1924, which date was fixed in said ordinance as the date for holding said special municipal election; and

WHEREAS, said proposed charter amendments numbers one to nineteen inclusive were, and each of them was on November 5th, 1924, duly published in the Santa Monica Evening Outlook, a daily newspaper of general circulation printed, published and circulated in the said City of Santa Monica and designated by said Council for that purpose; and

WHEREAS, said proposed amendments were printed in convenient pamphlet form, and from November 5th, 1924 to December 15th, 1924, both inclusive, a notice was published in said Santa Monica Evening Outlook, the newspaper aforementioned, that said copies could be had upon application therefor at the office of the City Clerk of said city, and said proposed amendments in such pamphlet form were in fact available at the office of said City Clerk; and

WHEREAS, the said Council of said city did by ordinance duly adopted on the 14th day of November, 1924, being Ordinance No. 298, (Commissioners' Series), entitled: "AN ORDINANCE CALLING A SPECIAL ELECTION TO BE HELD ON TUESDAY, THE 16th DAY OF DECEMBER, 1924, IN THE CITY OF SANTA MONICA, IN THE COUNTY OF LOS ANGELES, WHICH IS CONTIGUOUS TO THE CITY OF LOS ANGELES, PROPOSED TO BE CONSOLIDATED WITH SAID CITY OF LOS ANGELES, PROVIDING FOR THE HOLDING OF SUCH ELECTION AND SUBMITTING TO THE ELECTORS RESIDING IN SAID CITY OF SANTA MONICA THE QUESTION WHETHER SAID CITY OF SANTA MONICA SHALL BE CONSOLIDATED WITH THE SAID CITY OF LOS ANGELES AND THE PROPERTY OF SAID CITY OF SANTA MONICA BE, AFTER SUCH CONSOLIDATION, SUBJECT TO TAXATION EQUALLY WITH THE PROP-

ERTY WITHIN THE CITY OF LOS ANGELES, TO PAY CERTAIN BONDED INDEBTEDNESS OF SAID CITY OF LOS ANGELES OUTSTANDING AT THE DATE OF SUCH CONSOLIDATION, OR THERETOFORE AUTHORIZED, ESTABLISHING CONSOLIDATED ELECTION PRECINCTS AND POLLING PLACES IN SAID CITY OF SANTA MONICA, APPOINTING THE OFFICERS OF ELECTION FOR SAID SPECIAL ELECTION, AND FOR THE SPECIAL ELECTION TO BE CONSOLIDATED THEREWITH, PROVIDING FOR THE PUBLICATION OF NOTICE OF SUCH ELECTION; CALLING A SPECIAL ELECTION TO BE HELD ON SAID TUESDAY, THE 16th DAY OF DECEMBER, 1924, IN SAID CITY FOR THE PURPOSE OF SUBMITTING NINETEEN (19) PROPOSED AMENDMENTS TO THE CHARTER OF SAID CITY OF SANTA MONICA UNDER THE PROVISIONS OF SECTIONS 8 AND 8½ OF ARTICLE ELEVEN OF THE CONSTITUTION OF THE STATE OF CALIFORNIA, CONSOLIDATING SAID SPECIAL ELECTION WITH THE SPECIAL ELECTION CALLED IN THIS ORDINANCE FOR CONSOLIDATION OF THE CITY OF SANTA MONICA WITH THE CITY OF LOS ANGELES.”, order the holding of a special municipal election in said City of Santa Monica on the 16th day of December, 1924, which said date was more than forty days and less than sixty days after the completion of the publication of said Nineteen (19) Proposed Amendments as aforesaid; which said ordinance was signed by the Mayor of said city on the said 14th day of November, 1924, and was published on the 14th day of November, 1924 in said newspaper, the Santa Monica Evening Outlook; and

WHEREAS, said special municipal election was by said ordinance ordered consolidated according to law with an election called for the purpose of submitting to the electors of said city the question whether the City of Santa Monica should be consolidated with the City of Los Angeles, as more fully appears from the title of said ordinance hereinabove quoted; and

WHEREAS, said special municipal election was held in said City of Santa Monica on the 16th day of December, 1924, which date was more than forty days and less than sixty days after said proposed amendments to said charter had been published in the Santa Monica Evening Outlook, and said election was also held during the six months next preceding a regular session of the Legislature of the State of California; and

WHEREAS, thereafter the said Council of said City of Santa Monica had duly canvassed the returns of said special municipal election, and did on the 23rd day of December, 1924, duly and regularly declare the canvass of the returns of said election; and

WHEREAS, at said special municipal election held on said 16th day of December, 1924, fifteen (15) of said Proposed Amendments were ratified by a majority of the electors of said city voting thereon, to-wit: Proposed Charter Amendment No. 1, Proposed Charter Amendment No. 2, Proposed Charter Amendment No. 3, Proposed Charter Amendment No. 5, Proposed Charter Amendment No. 8, Proposed Charter Amendment No. 10, Proposed Charter Amendment No. 11, Proposed Charter Amendment No. 12, Proposed Charter Amendment No. 13, Proposed Charter Amendment No. 14, Proposed Charter Amendment No. 15, Proposed Charter Amendment No. 16, Proposed Charter Amendment No. 17, Proposed Charter Amendment No. 18 and Proposed Charter Amendment No. 19; and all other amendments received less than a majority of the votes of the qualified electors voting thereon, and were not ratified; and

Amendments
ratified by
electors.

WHEREAS, the said Fifteen (15) Charter Amendments so ratified by the electors of the City of Santa Monica, 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 XI of the Constitution of the State of California, and are in words and figures as follows, to-wit:

Proposed Charter Amendment No. 1.

Sub-section four of section one of article II of the Charter of the City of Santa Monica is hereby amended so that the same shall be and read as follows:

Public works.

Section 1. The said corporation shall have the power * * * (4), to erect and maintain public buildings, and to lay out and establish, improve and maintain public parks and cemeteries, to acquire by purchase, condemnation or otherwise, or lease such buildings, parks and cemeteries, and to acquire by purchase, or lease, condemnation or otherwise, and to construct, establish, maintain, equip, own and operate libraries, reading rooms, art galleries, museums, playgrounds, places of recreation, camps, fountains, baths, dispensaries, infirmaries, hospitals, free municipal employment offices, charitable institutions, jails, houses of correction and reform schools, work houses, detention houses, morgues, cemeteries, garbage cleaning, garbage disposal and garbage reduction works, street cleaning and street sprinkling plants and apparatus, quarries, plants for the production, making or assemblage of asphalt or any other substance or material for use in the building, maintenance or repair of streets, plants, appliances and equipment for the construction, maintenance and repair of wharves, docks, slips and quays, and for the maintenance of proper depths of water on and along the water front of the city and all other public buildings, places, works, institutions and establishments, whether situated inside or outside of the city limits which may be necessary or convenient for the transaction of public business or for promoting the health, morals, education or welfare

of the inhabitants of the city, or for their amusement, recreation, entertainment or benefit.

Proposed Charter Amendment No. 2.

There shall be added to article II, (two), two new sections, to be numbered section 1-a and 1-b, respectively, which shall be and read as follows:

Section 1-a. Not more than twelve cents on each one hundred (\$100.00) dollars worth of taxable property out of the fifteen cents mentioned in sub-division eleven of section one of article two of this charter shall be expended for music. Tax levy for music.

Section 1-b. Out of the fifteen cents on each one hundred (\$100.00) dollars worth of taxable property specified in subdivision eleven of section one of article two of this charter, there shall be expended not less than three cents for advertising, recreation and entertainment. Or, in the event that there be not sufficient reason for expending the whole sum of three cents in any one year, so much thereof as is not expended shall be set aside for advertising in any future year or years. Tax levy for advertising, recreation, etc.

Proposed Charter Amendment No. 3.

That a new section be added to article two of the charter of the City of Santa Monica to be designated as section 1-c.

Section 1-c. The dollar limit specified in subdivision eleven of section one of article two of this Charter shall not include monies to be expended for the care and relief of needy persons within the City of Santa Monica unable to care for themselves, and having no relatives legally liable and able to care for them, and for the prevention of epidemic, but there may be provided in the tax levy in any year a levy not to exceed one (1) cent on each one hundred (\$100.00) dollars worth of taxable property within the said City of Santa Monica for the care and relief of such persons, and the prevention of epidemics. Tax levy for relief of poor, etc.

Proposed Charter Amendment No. 5.

Section 3 (three) of Article III (three) of the Charter of the City of Santa Monica is hereby amended so that the same shall be and read as follows:

Section 3. The Commissioner of the Department of Public Safety shall be ex-officio Mayor of the City, Chief of Police, Superintendent of Buildings, Health Officer and Fire Commissioner, and he shall perform the duties of said officers as provided by law. The Board of Health and the Board of Police Commissioners and the Board of Fire Commissioners are hereby abolished and their duties are conferred upon the Commissioner of the Department of Public Safety. Commissioner of Public Safety.

He shall have charge of all matters pertaining to the care and relief of the needy, the establishment of employment bureaus, dispensaries, hospitals and the like, and the prevention of epidemics, and may employ such employees and professional services as may be necessary to carry on such work. The salaries of any employees engaged in this work shall be

fixed by ordinance, but the said Commissioner of Public Safety may, anything to the contrary in this charter notwithstanding, expend, in case of emergency, sums up to Two Hundred Fifty (\$250.00) Dollars, without authorization of the Council, and he shall at all times have the power to expend sums less than One Hundred (\$100.00) Dollars in connection with any of the matters mentioned in this paragraph in the same manner that he or any other head of a department is authorized to make expenditure.

Commissioner of Public Works.

The Commissioner of Public Works shall be ex-officio Street Superintendent, Park Commissioner and Water Commissioner, and shall perform the duties of such officers as provided by law, except to the extent that any of such duties may be herein conferred upon the Board of Public Utilities. He shall also have charge of all public works, buildings and properties of every kind and description, except fire, library and school buildings and properties, and except that the Board of Public Utilities shall have such control of works, buildings and properties used for or pertaining to the operation of public utilities, as is conferred upon them by this charter.

The Board of Park Commissioners is hereby abolished, and its duties conferred upon said Commissioner.

The Board of Water Commissioners is hereby abolished and its duties conferred upon said Commissioner, except in so far as any of said duties may be in this charter conferred upon the Board of Public Utilities.

Commissioner of Finance.

The Commissioner of the Department of Finance shall be ex-officio vice-president of the Council, City Clerk, City Assessor, City Treasurer and City Tax and License Collector, and shall perform the duties of all of said officers as provided by law.

In the absence or during the inability to act of the Commissioner of Public Safety, said Commissioner of the Department of Finance shall be ex-officio acting Mayor, and may sign any Deeds, Ordinances or other documents required by law to be signed by the ex-officio Mayor.

Proposed Charter Amendment No. 8.

There is hereby added to Article IV (four) of the Charter of the City of Santa Monica a new section to be numbered 25-d, which shall be and read as follows:

Incapacity for duty: salary allowance in case of.

Section 25-d. The City Council shall have the power in its discretion, upon recommendation of the head of the Department in which any employe herein specified is employed, to allow regular monthly salary demands for a period of not to exceed six months to any employe of the city, who having been in the employ of the city for a period of five (5) years, at the time of his incapacity may be for any reason incapacitated from performing his duties.

This provision shall not apply in any case where an employe was incapacitated in or as the result of the performance of his duties, in such a manner as to entitle him to benefits conferred

under the Workmen's Compensation Insurance and Safety Act of the State of California.

Proposed Charter Amendment No. 10.

Section 2 (two) of Article V (five) of the Charter of the City of Santa Monica is hereby amended so that the same shall be and read as follows:

CITY CLERK.

Section 2. The City Clerk shall have the custody of, and be responsible for, 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. City Clerk:
duties of.

He shall be present at each meeting of the Council, and keep a record of its proceedings.

He shall keep separate books in which respectively he shall record all ordinances and contracts and official bonds.

He shall keep all books properly indexed, and open to public inspection when not in actual use.

He shall make out, and sign all licenses other than building permits, and perform such other duties as are, or shall be, imposed by this Charter, or by ordinance.

He shall act as the general accountant and fiscal agent of the city, and shall exercise a general superintendence over all the officers of the city charged in any manner with the receipt, collection or disbursement of the city revenues.

He shall keep a complete set of books, in which he shall set forth in a plain and business-like manner every money transaction of the city, so as to show at all times the state of each fund, from which source the money was derived, and for what purpose any money was expended, and also all collections made and paid into the treasury by each officer or any other person.

He shall on application of any person indebted to the city, holding money payable into the city treasury, or desiring to pay money therein, deliver to such person a countersigned order on the city treasurer, in duplicate, stating the amount claimed as payable, by whom to be paid, and designating to what fund it is applicable; he shall file such orders with the city treasurer's duplicate receipts for money paid into the city treasury, and shall charge the city treasurer with the amounts received by him.

He shall audit and approve all demands against the city before payment, and keep a record of the same as hereinafter provided in Article XIII. He shall on or before the first day of July in each year make and present to the Council a report as to the revenue and expenses of the city for the current fiscal year and in which he shall set forth estimates of (1), the revenue from sources other than taxation; (2), the itemized expenditures; (3), the itemized amounts necessary to be raised by taxation for each fund.

He shall act as ex-officio Clerk of the Police Court and ex-officio Clerk of the Board of Equalization.

He shall perform such other duties as shall be required of him by this Charter or by ordinance.

Proposed Charter Amendment No. 11.

Section 3 of Article V of the City Charter of the City of Santa Monica is hereby amended so that the same shall be and read as follows:

CITY TREASURER.

Treasurer:
duties of.

Section 3. It shall be the duty of the city treasurer to receive and keep all moneys that shall come to the city by taxation or otherwise, and to pay the same out on demands legally audited in the manner hereinafter provided; and without such auditing he shall disburse no public moneys whatever, except the principal and interest of the municipal debt when payable.

He shall receive no money into the city treasury unless accompanied by an order of the city clerk provided for in section 2 hereof.

After verifying the amount to be paid into the city treasury, he shall fill in and sign the receipt contained in the order of the city clerk, and shall issue the original to the person paying the money, and shall file the duplicate with his records.

He shall make a report at the close of each month, to the city clerk, showing all moneys received during the preceding month, together with the number of each receipt given by him therefor, and what account and from whom received and to what fund applied, and he shall make such special reports from time to time as may be required by the Council.

The Mayor, City Attorney, the Finance Committee of the Council, or any special Committee appointed by the Council, separately, or collectively, and with the aid of an accountant selected by such officer or committee, shall have the right and power to examine the books of the treasurer at all times; and the Mayor, Clerk, Attorney or Finance Committee shall also have the right to inspect and count all public moneys.

Proposed Charter Amendment No. 12.

Section 16 (sixteen) of Article V (five) of the Charter of the City of Santa Monica is hereby amended so that the same shall be and read as follows:

REPORTS OF OFFICERS.

Reports of
officers.

Section 16. It shall be the duty of the Mayor, City Attorney, City Treasurer, City Assessor, Chief of Police, Health Officer, City Clerk, City Engineer, Superintendent of Building, Street Superintendent, Chief of the Fire Department, Secretary of Board of Education, Board of Trustees of the Santa Monica public library, and the Board of Park Commissioners, each to present to the Council at a meeting of the

Council in the third week of July of each year a report for the preceding fiscal year ending the 30th day of June.

Proposed Charter Amendment No. 13.

Section 19 (nineteen) of Article V (five) of the Charter of the City of Santa Monica is hereby amended so that the same shall be and read as follows:

Section 19. Every officer or Board of the City shall make out and file with the City Clerk, on or before the 15th day of May in each year, a detailed estimate of the expenses of his or its office or department, for the year commencing on the first day of July following said report. Estimates for ensuing year.

Proposed Charter Amendment No. 14.

There is hereby added to Article V of the Charter of the City of Santa Monica, a new section to be numbered 20-a, which shall be and read as follows:

PLAYGROUND AND RECREATION CENTERS UNDER DEPARTMENT OF PUBLIC WORKS.

Section 20-a. All public playgrounds, recreation centers and summer camps now or hereafter owned or controlled by the city, either within or without its limits, shall be under the control and management of the Commissioner of Public Works, subject to the control of the Council. Said Commissioner shall have power to organize and conduct physical training and exercise, athletics, sports, games, leagues, tournaments and pageants in and upon the recreation centers owned or controlled by the city, and also in and upon other grounds, athletic fields, gymnasia, swimming pools and other suitable places. The said Commissioner may employ and appoint superintendents, laborers, instructors and other officers and assistants in and about such playgrounds and recreation work, prescribe and fix their duties and authority and qualifications as to residence or otherwise. Their salaries shall be fixed by ordinance as are the salaries of other city employees. Playgrounds and recreation centers.

Proposed Charter Amendment No. 15.

Section 2 (two) of Article XI (eleven) of the Charter of the City of Santa Monica is hereby amended so that the same shall be and read as follows:

Section 2. General municipal elections shall be held on the first Tuesday in December, 1925, and thereafter every two years. City elections.

Any matter may be submitted to a vote of the electors at said election.

Special elections may be called at any time by the City Council for any purpose required by law.

ELECTION OF OFFICERS. The mode of election of all elective officers of the city to be voted for at any municipal election, shall be as follows, and not otherwise: Candidates for said office shall be nominated as follows:

The name of the candidate shall be printed upon the ballot when a petition for nomination shall have been filed in his Nominations.

behalf in the manner and form and under the conditions hereinafter set forth. The petition of nomination shall contain not less than twenty-five (25) or more than thirty-five (35) individual signatures which shall read substantially as follows:

Form of petition.

“PETITION OF NOMINATION OF CANDIDATE FOR THE OFFICE OF

 STATE OF CALIFORNIA, }
 COUNTY OF LOS ANGELES, } ss.
 CITY OF SANTA MONICA. }

I, the undersigned, certify that I do hereby join in a petition for the nomination of -----, whose residence is at No. ----- Street, Santa Monica, California, for the office of -----, to be voted for at the municipal election to be held in the city of Santa Monica, 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 to the above named 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 -----	-----	-----	-----
6 to 35, inclusive--	-----	-----	-----

“VERIFICATION OF DEPUTY’S AFFIDAVIT.

STATE OF CALIFORNIA, }
 COUNTY OF LOS ANGELES, } ss.
 CITY OF SANTA MONICA. }

I, -----, solemnly swear (or affirm) that I have been duly appointed as a verification deputy to secure signatures in the City of Santa Monica, County of Los Angeles, State of California, to the annexed paper of -----, for the office of -----, that all the signatures on this nomination paper numbered from ----- to ----- inclusive, were made in my presence, and that to the best of my knowledge and belief each of said signatures is the original signature of the person whose name it purports to be.

Subscribed and sworn to before
 me this ----- day of -----, -----
 19----. Verification Deputy.

 Notary Public in and for the
 County of Los Angeles, State of
 California.
 (Or other officer.)

This petition of nomination shall, if found insufficient, be returned to _____, at No. _____ Street, Santa Monica, California.”

It shall be the duty of the City Clerk to furnish, upon application, a reasonable number of official forms of petitions of nomination of the above character. Each petition of nomination must contain the name of one candidate and no other.

Each signer to the nominating petition must be a qualified elector, and must not at the time of signing, have signed his name to the petition of any other candidate for the same office.

Verification deputies, under this section, must be qualified electors of the City of Santa Monica, and shall be appointed by the city clerk upon application in writing, signed by not less than five (5) qualified electors of the city. The applicant shall set forth that the signers thereto desire to procure the necessary 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, secure the signatures of the signers of petitions of nomination; their appointments shall continue only until all of the petitions 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, places of residence, occupation, and that they are duly qualified electors of the city of Santa Monica, California.

Verification
deputies.

The petition of nomination may be presented to the city clerk not earlier than forty-five (45) days, nor later than thirty (30) days before the election. The clerk shall endorse thereon the date upon which the petition was presented to him.

Presentation
of petitions.

When the petition of nomination is presented to the city clerk for filing, he shall forthwith examine the same, and see whether it conforms to the provisions of this section. If found not to conform thereto, he shall then and there in writing declare 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 not later than twenty-six (26) days prior to the election.

Examination
of petitions.

Any signer to any petition of nomination may withdraw his name from the same by filing with the city clerk a verified revocation of his signature before the filing of the petition by the clerk, and not otherwise. He shall then be at liberty to sign a petition for another candidate for the same office.

Withdrawal
of signatures.

Any person whose name has been presented under this section as a candidate, may, not later than twenty-five (25) 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.

Withdrawal
of candi-
dates.

Filing of
petitions.

If either the original or the amended petition of nomination shall be found sufficient as hereinbefore provided, the clerk shall file the same twenty-five (25) days before the day of the election. When the 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.

The city clerk shall preserve in his office for the period of two (2) years all petitions of nomination and all certificates belonging thereto filed under this section.

Notice of
election.

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 at least twenty (20) days prior to the election, file in his office a notice of the date of such election and the offices to be filled, naming and numbering them in numerical order, unexpired terms or short terms being designated next after the full terms or long terms. He shall also designate in such notice the election officers who have been appointed for each precinct and the polling places therein where the voting for such election shall be had, and shall include in said notice the list of candidates nominated as hereinabove mentioned. He shall immediately thereafter cause one copy of such notice to be posted in a prominent place in his office.

Ballots.

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, set forth in the notice of election, and shall be in substantially the following form:

“GENERAL MUNICIPAL ELECTION OR SPECIAL MUNICIPAL ELECTION, CITY OF SANTA MONICA (inserting the date thereof).

INSTRUCTIONS TO VOTERS:

TO VOTE STAMP 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, OR TEAR, OR DEFACE THIS BALLOT, RETURN IT TO THE INSPECTOR OF ELECTION AND OBTAIN ANOTHER.”

All ballots shall be precisely of the same size, quality, tint of paper, and 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.

The names of the candidates for each office shall be arranged alphabetically by the city clerk, and nothing on the ballot

shall be indicative of the source of the candidacy or of the support of any candidate.

The name of every candidate who has been duly and regularly nominated, and who has not withdrawn his name as herein provided, shall be printed upon the ballot.

The offices to be filled shall be arranged in separate columns in the following order :

Commissioner of Public Safety. Vote for one.

Commissioner of Public Works. Vote for one.

Commissioner of Finance. Vote for one.

A Police Judge. Vote for one.

Members of the Board of Education. Vote for (designating the number to be elected).

Spaces of suitable size shall be provided at the right of the name of each candidate wherein to stamp the cross.

Half inch space shall be left below the printed names of candidates for each office equal in number to the number to be voted for wherein the person may write the name of any person or persons for whom he may wish to vote.

The clerk shall cause to be printed sample ballots identical in form 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 (5) days before the day fixed for such election, and shall mail one such ballot to each voter entitled to vote at said election, so that all of the said sample ballots shall have been mailed at least three whole days before said election.

Sample
ballots.

As soon as the polls are closed the election judges shall immediately open the ballot boxes, take therefrom and count the ballots and note the total number thereof on the tally sheet provided therefor. They shall carefully enter the number of votes for each candidate on said tally sheet and make return thereon to the city clerk as provided by law. The candidate receiving the highest number of votes cast for the particular office for which he is a candidate shall be declared elected. If the person elected fails to qualify, the office shall be filled as if there were a vacancy in such office as hereinbefore in this charter provided.

Counting
votes.

GENERAL ELECTION REGULATIONS.

The provisions of any state law, now or hereafter in force, except as the council may otherwise by ordinance provide, relating to the qualifications and registrations 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, except as otherwise provided in this article, so far as they may be applicable, shall govern all municipal elections; provided, also, that the council shall meet as a canvassing board and duly canvass the election returns within two days after any municipal election. Whenever any member of the council is a candidate for re-election, the council shall appoint some justice of the peace or notary of

General
regulations.

said city to take the place of said candidate upon said canvassing board as a member thereof.

Political activity.

Political activity. No person in the employ of the city shall take any active part, or contribute any money towards the nomination or election of any candidate. A violation of any of the provisions of this Section by any candidate or officer shall disqualify him from holding the office for which he may be elected or appointed.

Informalities.

No informalities in conducting any municipal election shall invalidate the same, if the election has been conducted fairly and in substantial conformity to the regulations of this charter.

Proposed Charter Amendment No. 16.

There is hereby added to Article XII (twelve) of the Charter of the City of Santa Monica a new section to be numbered section 1-a which shall be and read as follows:

Residents to be preferred.

Section 1-a. In the letting of contracts or sub-contracts for mechanical and other labor within the control of the city council of the City of Santa Monica which are to be paid for with money raised by taxation or the proceeds of a bond issue, preference shall be given to persons residing within the territory so taxed or within the district covered by such bond issue, due regard being had to the quality, price and availability of such labor.

Proposed Charter Amendment No. 17.

There is hereby added to Article XV (fifteen) of the Charter of the City of Santa Monica a new section to be known and numbered as section 4 which shall be and read as follows:

Time limit.

Section 4. No petition for initiative or recall shall be of any force or effect unless filed with the officer or body designated herein to receive the same, within sixty (60) days of the date of obtaining the first signature thereto.

Proposed Charter Amendment No. 18.

Section 5 of Article XVI (sixteen) of the Charter of the City of Santa Monica is hereby amended so that the same shall be and read as follows:

Fiscal year.

Section 5. The fiscal year of the city shall begin on the first day of July of each year and end on the thirtieth day of June following.

Proposed Charter Amendment No. 19.

There is hereby added to the Charter of the City of Santa Monica a new article to be numbered XVA to be and read as follows:

ARTICLE XVA.

RELIEF AND PENSION FUND.

Relief and Pension Fund.

Section One. The City Council shall, by ordinance, create a fund to be known as the "RELIEF AND PENSION FUND", and provide for the payment into said fund a per-

centage of each month's pay from all the members of the police and fire departments and from all the members of such other departments as may by said ordinance be declared to be entitled to relief out of said fund, and shall also provide for including in the annual budget an amount not exceeding one per cent of the general tax levy to be paid into said fund.

Section Two. The Council shall, in the ordinance creating said fund, designate who are to receive benefits out of said fund and upon what condition and to what extent; provided, that no member of any department, or the widow or children of such member, shall be entitled to a pension unless such member shall have been an active member of the department for at least twenty years. Beneficiaries.

NOW THEREFORE, we, the undersigned, J. C. STEELE, Commissioner of Public Safety, ex-officio Mayor of the City of Santa Monica, State of California, and F. A. HELTON, Commissioner of Finance, ex-officio City Clerk and ex-officio Clerk of the City Council of said City, do hereby certify that the foregoing proposed ratified amendments to the charter of the City of Santa Monica, submitted to the electors of said city at a special municipal election held in said city on the Sixteenth day of December, 1924, have been compared by us, and each of us, with the respective proposed amendments set forth in the ordinance adopted by the Council as hereinbefore stated, and that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said charter are, and each of them is true.

IN TESTIMONY WHEREOF, we have hereunto set our hands and caused the same to be authenticated by the Seal of said City of Santa Monica this 16th day of January, 1925.

[SEAL.]

J. C. STEELE,
Commissioner of Public Safety,
ex-officio Mayor of the City of
Santa Monica.

F. A. HELTON,
Commissioner of Finance, ex-officio
City Clerk, ex-officio Clerk of
the City Council of the City of
Santa Monica.

CHAPTER 26.

Senate Concurrent Resolution No. 14—Relative to the citrus white fly.

[Filed with Secretary of State March 17, 1925.]

WHEREAS, The citrus white fly, an extremely injurious pest of citrus in Florida, occurs in a limited area in the cities of Sacramento, Marysville and Yuba City and so constitutes a serious menace to the citrus sections of the state; and Eradication
of citrus
white fly.

WHEREAS, The California state association of county horticultural commissioners after discussion at their convention have endorsed a tentative plan for the eradication under the direction of the state department of agriculture of the citrus fly in California; now therefore, be it

Resolved by the senate, the assembly concurring, That the legislature of the State of California recommends the immediate appointment by the directors of agriculture of a committee of experts to decide upon a plan of eradication and estimate the cost thereof, and we urge the introduction of an appropriation bill and an enabling act empowering the state department of agriculture to undertake the work of eradication.

CHAPTER 27.

Senate Concurrent Resolution No. 11—Relative to reports of the department encampment of the Spanish American War Veterans.

[Filed with Secretary of State March 19, 1925.]

Reports of
Spanish-
American
War
Veterans.

Resolved by the senate, the assembly concurring, That there shall be printed as a public document five hundred copies of the session of the department encampment of California of the Spanish-American War Veterans for the year 1925, and of each succeeding department encampment, together with illustrations, copies of general orders of the department and of the official roll, two hundred fifty copies for the use of the senate and two hundred fifty copies for the use of the assembly. Annual cost not to exceed six hundred dollars, payable from legislative printing appropriation.

CHAPTER 28.

Assembly Concurrent Resolution No. 17—Relative to a joint meeting of the legislature.

[Filed with Secretary of State March 20, 1925.]

American-
ization
meeting.

WHEREAS, The Honorable Nathan Coombs, Department Commander, State of California of the American Legion and Captain S. N. Dancey, Americanization officer of the state department, will visit the city of Sacramento on Thursday, March 19, and

WHEREAS, Captain Dancey has a message which has been eloquently and effectively delivered to over eleven thousand meetings throughout this country; therefore, be it

Resolved by the assembly, the senate concurring, That the use of the assembly chamber be granted on the afternoon of Thursday, March 19, 1925, at three p.m., to the Honorable Nathan Coombs and Captain Dancey for the purpose of informing the members of the legislature and the general public on Americanization.

CHAPTER 29.

Assembly Concurrent Resolution No. 18—Relative to extending condolences to the people of the states of Illinois, Indiana, Missouri and Kentucky, by reason of the tornado.

[Filed with Secretary of State March 20, 1925.]

WHEREAS, A great and terrible tornado has been visited upon the states of Illinois, Indiana, Missouri and Kentucky, causing the loss of hundreds of lives and much damage to property; and

Tornado in certain central states.

WHEREAS, The entire nation is shocked with the news of this terrible disaster which has come so suddenly upon the people of the states of Illinois, Indiana, Missouri and Kentucky; and

WHEREAS, The people of the State of California, through their duly elected representatives, are desirous of extending their sympathy to the people of the states of Illinois, Indiana, Missouri and Kentucky in their hour of sorrow; now therefore be it

Resolved by the assembly of the State of California, the senate thereof concurring, That the legislature of the State of California hereby extends to the people of its sister states, Illinois, Indiana, Missouri and Kentucky, the sincere condolences and sympathy of the people of the State of California; and be it further

Resolved, That a copy of this resolution be forthwith transmitted to the governors of the states of Illinois, Indiana, Missouri and Kentucky.

CHAPTER 30.

Assembly Concurrent Resolution No. 14—Relative to the planting of trees in memory of Clara Barton.

[Filed with Secretary of State March 25, 1925.]

WHEREAS, Clara Barton was the founder, and for twenty-three years the president, of the American Red Cross Society (a position now held by the President of the United States), and was later the president of the National First Aid Association of America; and

Memorials to Clara Barton.

WHEREAS, The life of Clara Barton as our greatest humanitarian is worthy of study by the youth of our state; and

WHEREAS, Memorial tree-planting stimulates general tree-planting; now therefore be it

Resolved by the assembly of the State of California, the senate thereof concurring, That it is the sense of this legislature that it would be in the interest of our state to have memorial trees planted to the memory of this immortal American; and especially calling the attention to this matter of the state superintendent of public instruction, the various county superintendents of schools, the district school trustees, and likewise the heads of all public and private institutions throughout the state, including the superintendents of parks in the various cities, towns, and villages of our great commonwealth.

CHAPTER 31.

Senate Concurrent Resolution No. 16—Relative to national defense and oriental menace.

[Filed with Secretary of State March 27, 1925.]

National
defense.

WHEREAS, Honorable W. B. Shearer who is making a nationwide campaign to keep our people informed on the national defense and oriental menace will be available for an address on Wednesday, March 18, 1925; and

WHEREAS, The subject aforementioned is of peculiar interest and importance at this time; therefore, be it

Resolved by the senate, the assembly concurring, That the use of the assembly chamber be granted on the afternoon of March 18, 1925, at 8 p.m., to the said Honorable W. B. Shearer for the purpose of informing members of the legislature and the general public on the matter of national defense and oriental menace.

CHAPTER 32.

Senate Concurrent Resolution No. 17—Approving the charter of the city of Monterey, State of California, voted for and ratified by the qualified voters of said city of Monterey at a special municipal election held therein for that purpose on the ninth day of March, one thousand nine hundred twenty-five.

[Filed with Secretary of State March 27, 1925.]

STATE OF CALIFORNIA, }
COUNTY OF MONTEREY, } ss.
CITY OF MONTEREY. }

Monterey
city charter.

We, the undersigned, B. F. Wright, Mayor of The City of Monterey, in the County of Monterey, State of California, and A. J. Mason, City Clerk of said city, do hereby certify and declare as follows:

That said The City of Monterey is, and was at all times herein referred to, a city containing a population of more than three thousand five hundred inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States:

That said City of Monterey is now, and was at all times herein mentioned, a municipal corporation of said state organized and existing under a freeholders' charter adopted under the provisions of section eight, article eleven, of the constitution of the State of California, which charter was duly ratified by a majority of the qualified voters of said city at a special municipal election held therein for that purpose on the 12th day of December, 1910, and approved by the Legislature of said state on March 2, 1911, and as amended by amendments duly adopted and ratified by a majority of the qualified voters of said city at a regular municipal election

held therein on the 11th day of April, 1921, and approved by the Legislature of said state on May 11th, 1921:

That pursuant to the provisions of section eight, article eleven, of said constitution, the legislative body of said city, towit: The Council thereof, did, by a two-thirds vote of all its members, duly pass an ordinance calling a special municipal election to be held on the 23th day of October, 1924, in said city for choosing a board of fifteen freeholders to prepare and propose a new charter for the government of said city:

That at said election, duly held on said 23th day of October, 1924, a board of fifteen freeholders was chosen by the electors of said city to prepare and propose a new charter for the government of said city, the names of said freeholders so chosen being as follows:

J. Alves,
E. J. Burns,
O. P. Colburn,
John L. Colwell,
G. O. De Witt,
P. J. Dougherty,
W. G. Hudson,
C. J. Krieger,
Horace Langdon,
Henry Little,
Carmel Martin,
C. A. Metz,
George MacDonald,
E. G. McMenamin,
J. K. Oliver.

That the returns of said election were duly canvassed and the result thereof declared by said Council on the 31st day of October, 1924:

That within one hundred and twenty days after the result of said election was declared, said board of freeholders did prepare and propose a new charter for the government of said city, which charter was signed by all of the members of said board of freeholders, towit: By the fifteen members thereof, and the same was filed in the office of the City Clerk of said city on the 23rd day of December, 1924; and did, before the filing of said proposed new charter, fix and designate thereon the 9th day of March, 1925, as the date for holding a special municipal election in said city at which said proposed charter should be submitted to the electors thereof for their ratification and adoption:

That said Council did, within fifteen days after said filing, cause said proposed new charter to be published once, towit: On the 3rd day of January, 1925, in the "Peninsula Daily Herald, and Monterey Daily Cypress and Monterey American", a daily newspaper of general circulation printed, published, and circulated, in said city, and the official newspaper thereof; and did, within said fifteen days after said filing, cause copies of said proposed new charter to be printed in convenient pam-

phlet form and, until the date fixed for the election upon said proposed new charter, as aforesaid, advertise in said newspaper a notice that said copies of said proposed new charter could be had at the office of said City Clerk upon application therefor:

That said proposed new charter was, not less than sixty days from the completion of the publication thereof, and on the date fixed by said board of freeholders, as aforesaid, towit: On the 9th day of March, 1925, duly and regularly submitted to the electors of said The City of Monterey at a special municipal election duly called and held in said city on said day for such purpose:

That at said special municipal election held on said 9th day of March, 1925, a majority of the qualified voters of said city, voting thereon, voted in favor of said proposed new charter and duly ratified the same:

That said Council, after duly and regularly canvassing the returns of said special election at the time, and in the form and manner prescribed by law and the charter of said city, duly found, determined, and declared that a majority of the qualified voters of said city, voting thereon, had voted in favor of and ratified said proposed new charter:

That said proposed new charter, prepared and proposed by said board of freeholders, as aforesaid, and so ratified, is in words and figures as follows, towit:

CHARTER OF TITLE "CITY OF MONTEREY"

- Name.** Section 1. **NAME:** The municipal corporation now existing and known as "The City of Monterey" shall remain and continue a body politic and corporate, as at present, in fact and in law, by the name of the "City of Monterey," and by such name shall have perpetual succession.
- Boundaries.** Section 2. **BOUNDARIES:** The boundaries of the City of Monterey shall continue as now established until changed in some manner authorized by law.
- Rights and Liabilities.** Section 3. **RIGHTS AND LIABILITIES:** The City of Monterey 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 said municipality, and is hereby declared to be the successor of the same. No right, liability, pending suit or prosecution on behalf of, or against, the city shall be affected by the adoption of this charter. All contracts entered into by the city prior to the taking effect of this charter shall continue in full force and effect.
- Powers.** Section 4. **POWERS:** The City of Monterey, by and through its Council and other officials, shall have and may exercise all powers necessary or appropriate to a municipal corporation and the general welfare of its inhabitants, which are not prohibited by the constitution and which it would be competent for this charter to set forth particularly or specifically, including all powers now or hereafter granted to cities of the sixth class and boards of trustees thereof, and all law-

ful powers conferred upon the city by the former charter not inconsistent with the provisions hereof; and the specification herein of any particular powers shall not be held to be exclusive or any limitation upon this general grant of powers.

Section 5. **ELECTIONS:** General municipal elections shall be held in said city on the second Monday in May of each odd-numbered year under and pursuant to the provisions of the general laws of the State of California governing elections in cities of the sixth class, so far as the same may be applicable, and except as herein otherwise provided. The first general election in said city under this charter shall be held on the second Monday in May, 1925. All other municipal elections that may be held by authority of this charter or of general law shall be known as special municipal elections, and shall be held substantially as in this charter provided for general municipal elections; provided, however, that special elections to authorize any municipal or local public improvement, or the levy of assessments therefor, or to create a municipal bonded indebtedness, shall be held in conformity with any general law of the state relative thereto under which any such proceeding is instituted by the Council, in case such general law provides for the procedure and manner of holding elections thereunder. Elections.

Section 6. **CANVASS OF RETURNS:** The Council of said city shall meet at its usual meeting place on the first Monday after any municipal election, duly canvass the returns and declare the result thereof, and install the newly elected officers, if any. Canvass
of returns.

Section 7. **INITIATIVE, REFERENDUM AND RECALL:** Ordinances may be initiated, or the referendum exercised on ordinances passed by the Council, under and in accordance with the constitution and general laws of the state, and any elective officer may be recalled from office under and in pursuance of the provisions of the constitution and general laws; provided, however, that in no case shall candidates be elected to fill the place or places of any officer sought to be recalled, but in case of such recall such office shall be deemed vacant and shall be filled by appointment like other vacancies in elective offices; provided, further, that should a majority, or more, of the Council be recalled, the City Clerk shall call a special election to fill such vacancies, which shall be held within sixty days of the existence thereof. Petitions for exercising the initiative, referendum, or recall, shall not be circulated, but shall be deposited for signatures in not less than three public places in the city to be designated by the Council. Notice of the deposit thereof shall be given by publication three or more times in one or more newspapers published and circulated in said city. The Council shall provide by ordinance the detailed procedure for carrying out the provisions of this section. Initiative,
referendum
and recall.

Section 8. **ELECTIVE OFFICERS:** The elective officers of the City of Monterey shall be a Mayor, four Councilmen Elective
officers.

and an Auditor, who shall be elected from the city at large at a general municipal election therein.

Eligibility.

Section 9. **ELIGIBILITY OF ELECTIVE OFFICERS:** No person shall be eligible for election to, or to hold, any elective office of said city, unless he shall have been a resident and elector thereof for at least three years next preceding his election thereto, or his appointment to fill a vacancy therein.

Mayor.

Section 10. **THE MAYOR:** A Mayor shall be elected at each general municipal election and shall hold office for the term of two years from and after the Monday next succeeding the day of such election, and until his successor is elected and qualified, commencing with the first general municipal election held under the provisions of this charter. The Mayor shall receive no compensation and shall be ineligible to hold any other office or employment with the city, except as a member of any board, commission, or committee, thereof, of which he is constituted such member by general law.

The Mayor shall be the executive head of the city. In case of riot, insurrection, or extraordinary emergency, he shall assume general control of the city government and all of its branches, and be responsible for the suppression of disorders and the restoration of normal conditions. In the name and on behalf of the city he shall sign all legal instruments and documents to which the city is a party, except where otherwise provided herein or by general law. He shall represent the city in all ceremonial functions of a patriotic or social character when it appears to him desirable that the city be officially represented thereat, and shall, consistent with the provisions hereof, possess such other powers and perform such other duties, as may be prescribed by this charter, by law, by ordinance, or by resolution of the Council.

During the temporary absence or disability of the Mayor, the Council shall choose one of its members to act as Mayor pro-tempore who shall, during such absence or disability only, exercise the powers and perform the duties of the Mayor. In case of a vacancy in the office of Mayor, a Mayor pro-tempore, chosen as aforesaid, shall act as such Mayor until the vacancy in said office is filled as provided in this charter.

Council.

Section 11. **THE COUNCIL:** The Council shall be comprised of the Mayor and said four Councilmen, and shall be the legislative body of the city, each of the members of which, including the Mayor, shall have the right to vote upon all questions coming before it.

Two Councilmen shall be elected at each general municipal election and shall hold office for the term of four years each from and after the Monday next succeeding the day of such election, and until their successors are elected and qualified; provided, however, that four Councilmen shall be elected at the first general municipal election held under the provisions of this charter. The two Councilmen receiving the highest number of votes at said first election shall hold office for the full term of four years each, and the remaining two

Councilmen elected thereat shall hold office for the term of two years each, from and after the Monday next succeeding the second Monday in May, 1925, and until their successors are elected and qualified.

The Councilmen shall receive no compensation, and no Councilman shall be eligible to hold any other office or employment with the city, except as a member of any board, commission, or committee, thereof, of which he is constituted such member by general law.

All powers granted to and vested in the City of Monterey by law or by the provisions of this charter shall, except as herein otherwise provided, be exercised by the Council, to be designated the "Council of the City of Monterey." The Council shall be the governing body of the city and, subject to the express limitations of this charter, shall be vested with all powers necessary or convenient for a complete and adequate system of municipal government, consistent with the constitution of the state, including all powers now or hereafter granted by general law to boards of trustees of cities of the sixth class.

Section 12. MEETINGS OF THE COUNCIL: The Council shall provide by ordinance for the time and place of holding its meetings and the manner in which its special meetings may be called; provided, however, that there shall be at least one regular meeting in each month. Any regular meeting may be adjourned to a date and hour certain, and such adjourned meeting shall be a regular meeting for all purposes. All legislative sessions of the Council, whether regular or special, shall be open to the public. Meetings of council.

Section 13. QUORUM: 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, or action upon, pending business in like manner. Attendance at meetings of absent members of the Council may be compelled in such manner and under such penalties as may be prescribed by ordinance. Quorum.

Section 14. CONDUCT OF MEETINGS: The Council shall determine its own rules of procedure, and may punish its members or other persons present at any meeting, for disorderly conduct. Conduct of meetings.

Section 15. LEGISLATION: The Council shall act in legislative matters by ordinance or resolution only. Other action of the Council, unless herein otherwise provided, may be taken by resolution, motion, or order. Ordinances and resolutions.

The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the record of the proceedings of the Council. Upon the request of any member of the Council the ayes and noes shall be taken and recorded upon any vote. All members present at any meeting must vote.

No ordinance or resolution shall be passed without receiving the affirmative vote of at least three members of the Council.

Each ordinance shall be headed by a brief title which shall indicate the purport thereof.

The ordaining clause of all ordinances adopted by the Council shall be, "The Council of the City of Monterey do ordain as follows:". The ordaining clause of all ordinances passed by the vote of the electors of the city, through the exercise of the initiative shall be, "The People of the City of Monterey do ordain as follows:".

No ordinance shall be passed by the Council on the day of its introduction, or within five days thereafter, or at any time other than at a regular meeting, or until its publication at least once in the official newspaper of the city at least three days before its adoption. In case of an ordinance being amended before its final adoption, and after its publication, it shall in like manner be republished in full as amended at least one day before its adoption as amended; provided, however, that where such amendment is made for the correction of clerical errors or omissions of form only, then such ordinance need not be given a first reading or a republication as corrected.

Except as otherwise provided by general law, or this charter, no action providing for any specific public improvement, or for the appropriation or expenditure of public money, in any amount over five hundred dollars, or for the acquisition, sale, lease, incumbrancing, or disposition of, any real property of the city, or any interest therein, or for the levying of any tax or assessment, or the granting of any franchise, or for establishing or changing fire limits, or business or residential zones, or for the imposing of any penalty, shall be taken except by ordinance.

No ordinance, or portion thereof, shall be repealed except by ordinance. 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 according to the method provided in this section for the enactment of ordinances, and such revision, re-enactment, amendment, or addition, shall be made by ordinance only.

All ordinances shall be signed by the Mayor and attested by the City Clerk.

Auditor.

Section 16. AUDITOR: There shall be an Auditor elected every four years at the general municipal election, who shall hold office for the term of four years from and after the Monday next succeeding the day of such election, and until his successor is elected and qualified, commencing with the first general municipal election held under the provisions of this charter. His salary shall be fixed by ordinance at the rate of not less than twelve hundred dollars per annum.

No one shall be eligible for election to, or to hold, the office of Auditor who is not a certified public accountant, or who

has not had at least three years practical experience in accountancy and book-keeping.

The Auditor shall be the general accountant of the city. He shall retain and preserve in his office, all accounts, books, vouchers, documents and papers relating to the acts and contracts of the city, its debts, revenues and other financial affairs.

He shall keep an account of all moneys paid into and out of the treasury, and shall approve all lawful demands. He shall always know the exact condition of the treasury.

He shall approve no demand unless the same has been allowed by the Council and he is satisfied that the money is lawfully due.

He shall possess such other powers and perform such additional duties as provided elsewhere in this charter, or as may be prescribed by ordinance.

Section 17. THE CHIEF APPOINTIVE OFFICIALS: Chief appointive officials. The chief appointive officers of the city shall be a City Manager, City Clerk, who shall be ex officio Assessor, Collector, Police Judge, City Engineer, City Attorney, Treasurer, Street Superintendent, Health Officer, Chief of Police, Fire Chief, and five Library Trustees. The Council may, at any time, when in its judgment the interest of the city so demands, by a four-fifths vote thereof, consolidate by ordinance the powers and duties of two or more city officers and place the same in charge of one such officer. The Council shall by ordinance prescribe the powers and duties of all of said officers, except where the same are prescribed by this charter, and in such case, may, by ordinance, prescribe additional powers and duties therefor consistent with the provisions hereof.

Section 18. SUBORDINATE OFFICERS AND EMPLOYEES: Subordinate officers and employees. The Council shall have the power to create and abolish, by ordinance or resolution, all offices, deputyships, employments, boards and commissions, other than those created by this charter; to fix the powers and duties thereof; and to determine the procedure for removing any such officer, deputy, employee, or committeeman, therefrom, except as in this charter otherwise provided.

Section 19. OFFICIAL BONDS: Official bonds. Except as prescribed by this charter, the Council shall fix the amount of all bonds to be required of city officers and employees, the mode of approving the same, and shall determine the particular officers and employees who shall be required to furnish such bonds.

All the provisions of any general law of the state, relative to official bonds, not inconsistent with this charter, shall be complied with.

Section 20. OATH OF OFFICE: Oath of office. Every officer of the city, before entering upon the duties of his office, shall take and subscribe the oath of office as provided for in the con-

stitution of the state, and shall file the same forthwith with the City Clerk.

Vacancies.

Section 21. **VACANCIES:** A vacancy in an elective office shall be filled by appointment by the Council, such appointee to hold office until the next general municipal election and until his successor is elected and qualified. Such successor shall be elected for the unexpired term of his predecessor at the general municipal election next succeeding such appointment. Should the Council fail to fill any such vacancy within forty days after the same occurs, then it shall be filled by appointment by the Mayor; provided, however, that if the offices of a majority, or more, of the Council shall become vacant, the City Clerk shall call a special municipal election to fill the same which shall be held within sixty days of the existence thereof, and each candidate elected at such election shall hold office for the unexpired term of his predecessor.

If any officer of the city shall die, or be removed from office as herein provided, or shall remove, or absent himself, from the city for more than thirty days consecutively, without permission of the Council, or for said period shall wilfully fail or refuse to perform the duties of his office, though able so to do, or shall fail to qualify, or shall resign, or be adjudged insane, or convicted of a felony, his office shall thereupon become vacant.

Appointment
and removal
of officers
and
employees.

Section 22. **APPOINTMENT AND REMOVAL OF OFFICERS AND EMPLOYEES:** The City Manager, City Clerk and ex-officio Assessor, Collector, and Police Judge, shall be appointed by the affirmative votes of three members of the Council, and may be removed by the Council as in this section provided.

The Board of five Library Trustees shall be appointed by the Mayor subject to the confirmation of a majority of the Council, as hereinafter prescribed.

Except as otherwise provided in this charter, all other city officers and employees shall be appointed, and may be removed, by the City Manager, as in this section provided, except municipal boards and commissions where a different mode of appointing the members thereof is prescribed by general law.

The Council may remove any of its appointees at any time for cause, by the affirmative votes of three members cast in favor of such removal, as provided in this section.

The Council may remove any of its appointees, except members of the Board of Library Trustees at its pleasure, without cause stated or a hearing had, by the affirmative votes of four members cast in favor of such removal, and the determination of the Council in such matter shall be final and conclusive.

Grounds.

Removal of any such officer for cause shall be based on one or more of the following grounds, namely: Incompetency or physical incapacity to properly discharge the duties of his office; insubordination to a superior officer in the course of his municipal employment; wilful neglect of official duty;

wilful failure or refusal to properly perform the same; gross carelessness in the discharge thereof; notorious misconduct of a disgraceful or scandalous nature; habitual intemperance; malfeasance in office; insanity or conviction of a felony.

No such officer, so accused, shall be removed for cause except upon the filing of a verified complaint in writing with the City Clerk, subscribed by his accuser, specifying in detail the charges alleged against such officer, or without a public hearing thereof by the Council. Upon the filing of such complaint, the Mayor shall fix the time and place of said hearing. Thereupon the City Clerk shall give the accused officer written notice of such hearing at least three days prior thereto, and to such notice shall be annexed a full and correct copy of the complaint on file. Said notice, with a copy of the complaint, shall be served on the accused personally, or in lieu thereof may be published once in the official newspaper of the city at least three days prior to the time fixed for the hearing, in which case reference shall be made in such published notice to the complaint on file for further particulars. Evidence for and against the accused may be introduced at such hearing, and the accused may testify in his own behalf; provided, however, that the testimony of all witnesses shall be under oath; and provided, further, that hearsay testimony shall be inadmissible. Should the accused be found guilty as charged in the complaint by the affirmative votes of three members of the Council, after such hearing, said determination shall be final and conclusive, and the accused shall forfeit his office forthwith. The Council may dispense with such hearing, and notice thereof, and remove any such officer forthwith, should he be found guilty upon any of said grounds of removal in a court of competent jurisdiction, or upon any charge directly embracing any of such ground.

The City Manager may remove at his pleasure at any time any officer or employee of the city appointed by him, after a public hearing and at least three days written notice to such officer or employee of the time and place thereof and the offense of which he is accused, of which service shall be made as provided in this section for hearings of officers appointed by the Council; provided, however, that no written complaint or charges by the City Manager against such officer or employee need be filed with the City Clerk, and the hearing given him may be informal. The City Manager, after such hearing, shall determine and decide such matter in writing and file such decision forthwith with the City Clerk. Should the City Manager determine to remove such officer or employee, after such hearing, his written decision shall state such fact and his reasons therefor. Such decision shall be final and conclusive unless within ten days from the filing thereof, it is disapproved in writing by four-fifths of the members of the Council, in which case such decision shall be of no effect.

Provided, however, that no removal except for cause stated shall be made by the Council within three months next succeeding a general municipal election, or by the City Manager within three months next succeeding his qualification as such; provided, further, that removals for cause stated may be made, as herein prescribed, at any time.

Waiver of hearing.

Any officer or employee, upon notification of any pending charge against him, may waive any hearing provided for in this section by tendering his resignation in writing, and in such case, and upon the acceptance thereof, said hearing shall be dispensed with.

Officers and employees to hold over.

City officers and employees holding office at the time of the approval of this charter by the Legislature shall continue to hold and discharge the duties of the same until removed as provided in this section, or by a court of competent jurisdiction, or until such office is abolished as prescribed by this charter; provided, that the Council or City Manager, as the case may be, shall have power, subject to the provisions hereof, to remove any present or future city officer or employee from any office to which said Council or City Manager has the appointing power.

Compensation of appointive officers and employees.

Section 23. **COMPENSATION OF APPOINTIVE OFFICERS AND EMPLOYEES:** The compensation of all appointive officers and employees of the city, except officials and members of boards, commissions and committees, serving gratuitously, shall be fixed, increased or changed by ordinance, adopted by the four-fifths vote of the Council, only, subject to the provisions of this charter regarding minimum compensation. No officer or employee shall be allowed any fee, perquisite, emolument, or stipend, in addition to, or save as embraced in, the salary or compensation fixed for such office by the Council, and all fees received by such officer in connection with his official duties shall be paid by him into the city treasury.

Manager.

Section 24. **CITY MANAGER AND SECRETARY THERETO:** The City Manager shall be chosen by the Council without regard to political considerations and with reference solely to his qualifications for such office. No one shall be eligible for appointment thereto who has not had at least one year's special training therefor, or who has not served as city manager or as an assistant or deputy thereof.

Purchasing Agent.

It shall not be necessary for such appointee to be a resident or elector of the city at the time of his appointment, but he shall become a resident thereof within sixty days after his appointment and qualification as City Manager, and shall thereafter continue to reside therein during his incumbency of said office. The City Manager shall be ex-officio City Purchasing Agent, which office is hereby created, and as such he shall on behalf of the city make all purchases of materials and supplies, and contracts for the purchase lease, or rental of the same, where in any such case the cost thereof does not exceed the sum of five hundred dollars; subject, however, to

such conditions and restrictions as may be imposed by ordinance, and except as any such powers are herein delegated to the Board of Library Trustees.

The salary of the City Manager, and ex-officio City Purchasing Agent, shall be fixed by ordinance at not less than three thousand dollars per year, payable in equal monthly installments. The office of Secretary to the City Manager is hereby created, which shall be filled by appointment by the City Manager, and such Secretary may be removed from office by the City Manager at any time without a hearing, and such removal shall not be subject to disapproval by the Council. The salary of such Secretary shall be fixed by ordinance.

Salary.

Secretary

Before entering upon his duties, the City Manager shall file with the City Clerk an official bond for the faithful performance thereof, payable to the City of Monterey in the sum of five thousand dollars, the premium of which shall be paid by the city. Said bond shall be to the satisfaction of the Mayor and his approval shall be endorsed thereon.

Bond.

The powers and duties of the City Manager shall be:

Powers and duties.

- (1) To see that all ordinances are enforced.
- (2) To appoint, except as otherwise provided in this charter or by general law, all heads of departments, and other city officers and employees, and remove the same at pleasure, except as otherwise herein prescribed, and to have general supervision and control over the same.
- (3) To exercise general supervision over all privately owned public utilities operating within the city so far as the same are subject to municipal control.
- (4) To see that the provisions of all franchises, leases, contracts, permits and privileges, granted by the city are fully observed, and to report to the Council any violation thereof.
- (5) To attend all meetings of the Council unless excused therefrom by three members thereof or by the Mayor.
- (6) To examine, or cause to be examined, without notice, the conduct, or the official accounts or records, of any officer or employee of the city.
- (7) To keep the Council advised as to the needs of the city.
- (8) To devote his entire time to the business and interests of the city.
- (9) To have general supervision over all city property, including public buildings, parks, and playgrounds.
- (10) To appoint such advisory boards as he may deem desirable to advise or assist him in his work, provided the members of such boards shall receive no compensation.
- (11) To supervise generally the preparation of the assessment roll by the Assessor, and make such recommendations to the Council or Board of Equalization regarding the same as he may deem advisable.
- (12) To possess such other powers and perform such additional duties as are prescribed by this charter or may be prescribed by ordinance; provided, however, that the powers

or duties of any city office or employment created by the provisions of this charter shall not be consolidated with those of the City Manager, other than those of City Purchasing Agent.

Manager
pro tem.

Section 25. CITY MANAGER PRO-TEM: In case of the absence from the city of the City Manager, or his temporary disability to act as such, the Council shall appoint a City Manager pro-tem, who shall possess the powers and discharge the duties of the City Manager during such absence or disability only; provided, however, that a City Manager pro-tem shall have no authority to appoint or remove any city officer or employee except with the unanimous formal approval of all of the members of the Council.

Clerk.

Section 26. CITY CLERK, AND EX-OFFICIO ASSESSOR: The City Clerk shall be ex-officio Assessor of the city, and Clerk of the Council and of the Board of Equalization thereof. His salary as such shall be fixed by ordinance. The office of Deputy City Clerk is hereby created, which shall be filled by appointment by the City Clerk, and at his pleasure such Deputy City Clerk may be removed therefrom. Such deputy shall possess the powers and shall perform the duties of the City Clerk, subordinate to the principal of the office. The salary of such deputy shall be fixed by ordinance.

Records.

It shall be the duty of the City Clerk to attend all sessions of the Council and the Board of Equalization, and to keep a full and correct record of the proceedings of each of said bodies. The proceedings of the Council shall be kept in a book marked "Minutes of the Council", and the proceedings of the Board of Equalization shall be kept in a separate book marked "Minutes of the Board of Equalization". He shall keep a book, or books, marked "City Ordinances" into which he shall copy all city ordinances, certifying that each such copy is a full and correct copy of the original ordinance, and stating that the same has been published as required by law. Said record copy, so certified, shall be prima facie evidence of the contents of the ordinance, and of its passage and publication and shall be admissible as such evidence in any court or proceeding. Such record shall not be filed but shall be returned to the custody of the City Clerk. He shall also keep a book, or books, marked "Resolutions", into which he shall copy all resolutions passed by the Council. Both the books containing ordinances and resolutions, shall be adequately and comprehensively indexed. He shall conduct promptly, and keep a systematic record of, all correspondence between the Council and third parties relating to city business.

Seal.

He shall be the keeper of the corporate seal of the city, and shall affix the same to instruments or writings requiring authentication. He shall safely keep all records, documents, ordinances, resolutions, books, and such other papers and matters, as may be regularly delivered into his custody or required by law or ordinance to be filed with him.

It shall be the duty of the City Clerk, as ex-officio Assessor, ^{Assessment of property.} between the first Monday in March and the first Monday of August of each year, to assess all taxable property within the City of Monterey, at the time and in the manner prescribed by the general laws of the state, except as may be otherwise provided by ordinance. Prior to the first Monday in August of each year he shall make out a list of all taxable property within the city, which list shall describe the property assessed and the value thereof, and shall contain all other matter required to be stated in such list by ordinance. The Assessor shall verify such list by his oath and deposit the same with the Auditor on or before the first Monday of August of each year. The Assessor shall possess such other powers and perform such additional duties, not inconsistent with this charter, as may be prescribed by ordinance.

Section 27. COLLECTOR: It shall be the duty of the ^{Collector.} Collector to collect all taxes levied by the Council and other moneys due the city. He shall at the close of each business day pay to the Treasurer all taxes or other funds of the city collected by him during such day, or in his possession. Upon receipt of any tax list he shall give his receipt therefor to the Auditor, and shall upon delivery to the Auditor of the delinquent tax list, take his receipt for the same. He shall be charged with all taxes levied upon real and personal property within the city, upon his receipt of the tax list from the Auditor. He shall be charged with, and indebted to the city for, the full amount of all taxes due upon delinquent lists delivered to him for collection, unless the Council determine by resolution that he is unable to collect the same by levy and sale of the property assessed therefor. He shall possess such other powers and perform such additional duties, not in conflict with this charter, as may be prescribed by ordinance.

The salary of the Collector shall be fixed by ordinance.

Section 28. POLICE JUDGE AND POLICE COURT: ^{Police Judge and Police Court.} There shall be a Police Judge appointed by the Council. He shall be the judge of the Police Court, which is hereby established. The Police Court shall have jurisdiction, concurrently with the Justice's Courts, of all actions and proceedings, civil and criminal, arising within the corporate limits of the city and which might be tried in such Justice's Court; and said Police Court shall have exclusive jurisdiction of all actions for the recovery of any fine, penalty, or forfeiture prescribed for the breach of any ordinance of said city, of all actions founded upon any obligation created by any ordinance thereof, and of all prosecutions for the violation of any such ordinance. In all civil actions where the fine, penalty, or forfeiture prescribed for the breach of any ordinance of the city is not more than one hundred dollars, the trial must be by the court. In civil actions where the fine, penalty, or forfeiture prescribed for the breach of any ordinance of the city is over one hundred dollars, the defendant is, upon his demand, entitled to a jury. Except as in this section other-

wise provided, the rules and practice and mode of proceeding in said Police Court shall be the same as are, or may be, prescribed by law for Justice's Courts in like cases; and appeals may be taken to the Superior Court from all judgments of said Police Court in like manner and with like effect as in cases of appeals from Justice's Courts.

The Police Judge shall have all powers and perform the duties of a magistrate and may administer and certify oaths and affirmations and take and certify acknowledgments. All fines, fees, and costs collected by him shall be paid into the city treasury within forty-eight hours from and after the receipt thereof. He shall make such periodical reports as the Council may require.

In all cases in which the Police Judge is a party, or in which he is interested, or when he is related to either party by consanguinity or affinity within the third degree, or is otherwise disqualified, or in case of sickness or inability to act, he may call upon any Justice of the Peace, residing in the County of Monterey, to act in his stead.

The Council may, by ordinance, appoint the Justice of the Peace of the township in which the City of Monterey is located, as Police Judge thereof.

The Police Judge shall keep a record of the proceedings of the Police Court in all matters and cases before said court. Separate dockets shall be kept for civil and criminal cases. All records, files, and other property, of the Police Court under the preceding charter of the city, shall be the records, files, and property of the Police Court of said city created by this charter.

All actions and proceedings pending and undetermined in the Police Court under said preceding charter, shall be proceeded with, heard, tried, and determined in said Police Court herein established, before the Police Judge thereof, as if such action or proceeding had been originally commenced therein.

The seal of the Police Court adopted by the preceding charter of the city shall be the seal of the Police Court created by this charter.

The salary of the Police Judge shall be fixed by ordinance.

Engineer.

Section 29. CITY ENGINEER: The City Engineer, at the time of his appointment, shall have been a practicing civil engineer for a period of at least three years. All other things being equal, an engineer who has had special training and experience in municipal engineering shall be appointed to this office, if practicable.

As City Engineer he shall be the custodian of, and responsible for, all maps, plans, profiles, field notes, and other records and memoranda belonging to the city and pertaining to his office and the work thereof, all of which he shall keep in proper order and condition. He shall turn the same over to his successor upon relinquishing his office, who shall give him duplicate receipts therefor, one of which he shall file with the City Clerk. All maps, plans, profiles, field notes, estimates,

and other memoranda of surveys and other professional work made or done by him, or under his direction or control, for or on behalf of the city during his term of office, shall be the property of the city. He shall perform all engineering work and surveying in prosecuting public improvements in or for the city, and in relation to public streets, lanes, alleys, ways, places, and real property of the city, and shall possess such other powers and perform such additional duties not in conflict with this charter, as may be prescribed by ordinance or the general laws of the state. His salary shall be fixed by ordinance.

Section 30. CITY ATTORNEY: The City Attorney shall Attorney. be an attorney-at-law, admitted to practice as such before the Supreme Court of the state, and who has been in actual practice therein for at least three years next preceding his appointment. All other things being equal, an attorney who has had special training or experience in municipal corporation law shall be appointed to this office, if practicable. The City Attorney shall be legal advisor of the Council, and all other city officials. He shall prosecute all violations of city ordinances and shall draft all ordinances, resolutions, contracts, and other legal documents and instruments, required by the Council or the City Manager. He shall perform such other legal services as the Council may direct and shall attend all meetings of the Council unless excused therefrom by three members thereof or by the Mayor. The salary of the City Attorney shall be fixed by ordinance.

When from any cause the City Attorney is unable to perform the duties of his office, he may, with the consent of the City Manager appoint some other qualified attorney to temporarily act in his place; and whenever, in the judgment of the Council, the interests of the city require it, it may employ assistant counsel.

The City Attorney shall deliver all books, records, papers, documents, and personal property of every description, owned by the city, to his successor in office, and the city shall provide a means of safe-guarding the same.

He shall possess such other powers, and perform such additional duties, not in conflict with this charter, as may be prescribed by ordinance.

Section 31. TREASURER: It shall be the duty of the Treasurer. Treasurer to receive and safely keep all moneys of the city, or deposited with him in connection with any business thereof, for all of which he shall give duplicate receipts, one of which shall be filed forthwith with the Auditor. Before any money is accepted or received by him on account of any indebtedness due the city, he shall receive a certificate from the Auditor specifying the amount thereof to be paid. He shall pay out all moneys, except the principal and interest due on bonds of the city, including improvement bonds thereof, on warrants signed by the proper officers, and not otherwise. He shall make quarterly statements showing the receipts and

disbursements for the quarters ending September 30th, December 31st, March 31st, and June 30th, in each year. Such statements shall show in detail the condition of each and every fund required to be set apart by him. All statements shall be made in duplicate, one copy of which shall be filed with the City Clerk, and one delivered to the City Manager, within ten days after the end of each quarter. He shall make quarterly settlements with the Auditor, and shall possess such other powers and perform such additional duties, not in conflict with this charter, as may be prescribed by ordinance.

Before entering upon his duties, the Treasurer shall file with the City Clerk an official bond for the faithful performance thereof, payable to the City of Monterey in the sum of ten thousand dollars. Said bond shall be to the satisfaction of the Mayor and his approval shall be endorsed thereon. The premium of such bond shall be paid by the city. The salary of the Treasurer shall be fixed by ordinance.

Street
Superin-
tendent.

Section 32. **STREET SUPERINTENDENT:** The Street Superintendent shall possess such powers and perform such duties as may be prescribed by ordinance or the general laws of the state. His salary shall be fixed by ordinance.

Health
Officer.

Section 33. **HEALTH OFFICER:** The Health Officer shall be a person licensed to practice medicine in this state, or who has received special training, or has had practical experience, in public health work. He shall exercise general supervision over the health and cleanliness of the city, and take all necessary measures for the preservation and promotion thereof. He shall enforce all laws, ordinances, and regulations relative to the preservation and improvement of the public health, including those provided for the prevention of disease, the suppression of unsanitary conditions, and the inspection and supervision of the production, transportation, storage, and sale of food stuffs. He shall possess such other powers and perform such additional duties, not in conflict with this charter, as may be prescribed by ordinance. His salary shall be fixed by ordinance.

Chief of
Police.

Section 34. **CHIEF OF POLICE:** The Chief of Police shall be the head of the police department of the city, which is hereby created, and he shall have all the powers that are now, or may be hereafter conferred upon sheriffs and other peace officers by the laws of the state. It shall be his duty to preserve the public peace, and to suppress riots, tumults, and disturbances. His orders shall be promptly executed by the police officers, or watchmen of the city, and every citizen shall lend him aid, when requested, for the arrest of offenders, the maintenance of public order, or the protection of life or property.

He shall execute and return all process issued to him by legal authority. He shall have the power, and it is hereby made his duty, to arrest persons violating any law of the state, or ordinance of the city. Those arrested for violating city ordinances may, before or after trial, be confined in the county

jail of Monterey County, or in the city prison of said city. The Chief of Police shall possess such other powers and perform such additional duties, not in conflict with this charter, as may be prescribed by ordinance. His salary shall be fixed by ordinance.

Section 35. **FIRE CHIEF:** The Fire Chief shall be head of the fire department of the city, which is hereby created, and he shall have charge and supervision over all matters relating to the prevention and extinction of fires, and of all measures necessary to guard and protect all property exposed thereby. He shall possess such other powers and perform such additional duties, not in conflict with this charter, as may be prescribed by ordinance. His salary shall be fixed by ordinance.

Fire Chief.

Section 36. **DISPOSITION OF CITY MONEYS:** Every officer receiving, or in possession of any moneys belonging to or for the use of the city shall, within forty-eight hours thereafter, notify the Auditor thereof and thereupon pay the same forthwith into the treasury, on the order of the Auditor, for the benefit, and to the credit, of the funds to which such moneys severally belong.

Disposition of city moneys.

Section 37. **PENSIONS:** No pensions of any kind shall be awarded or paid to any active or retired city official or employee, including any member of the police or fire department, unless authorized by an initiative ordinance adopted by the electors of the city.

Pensions.

Section 38. **EXPERT ACCOUNTANT:** The city shall employ a certified public accountant annually to investigate the accounts and transactions of all city officers and employees having the collection, custody, or disbursement, of public money or property, or the power to approve, allow or audit demands on the city treasury.

Accountant.

Section 39. **RESIDENTIAL QUALIFICATIONS:** Except as otherwise provided in this charter, all officers and employees of the city shall possess the residential qualifications prescribed by general law for similar officers and employees in cities of the sixth class.

Residential qualifications.

Section 40. **ILLEGAL CONTRACTS:** No officer or employee of the city shall be or become directly or indirectly interested in any contract, work, or business, or in the sale of any article, the expense, price, or consideration of which is payable from the city treasury, nor shall he receive any gratuity or advantage from any contract or person furnishing labor or material for the same. Any contract with the city in which any such officer is or becomes interested may be declared void by the Council.

Illegal contracts.

No officer or employee of the city shall aid or assist a bidder in securing a contract to furnish labor, material, or other supplies, at a higher price or rate than that proposed by any other bidder, or favor one bidder over another, or give or withhold information from any bidder not given or withheld from all other bidders, or wilfully mislead any bidder in regard to the character of the materials or supplies called for,

or knowingly accept materials or supplies of a quality inferior to that called for by the contract, or knowingly certify to a greater amount of labor performed or material or supplies furnished, than has, respectively, been performed or received.

Any officer or employee violating any of the provisions of this section shall be guilty of a misdemeanor and shall automatically forfeit his office or employment.

If at any time it shall be found that any person, firm, or corporation to whom a contract has been awarded by the city has, in presenting any bid, colluded with any other party or parties, then the contract so awarded shall, if the city so elect, be null and void and the contractor and his bondsmen shall be liable to the city for all loss and damage which the city may suffer thereby. In such event the Council may advertise anew for bids for said work or supplies.

Contract
work.

Section 41. **CONTRACT WORK:** In the erection, improvement, and repair of all public buildings, structures, and works, in all street and sewer work and improvements, and works and embankments for the protection against overflow, and in furnishing supplies or materials for the same, or for other use or purpose, when the expenditure required for the same shall exceed the sum of five hundred dollars, the same shall be awarded by contract, and shall be let, by the Council, to the lowest responsible bidder, after notice by publication in the official newspaper; and security for the due execution and performance of any such contract may be required of the bidder and successful contractor, respectively. The detailed procedure for carrying out the provisions of this section shall be prescribed by ordinance.

Provided, that the Council may reject any and all bids presented, and may, in its discretion, re-advertise for other bids.

Day labor.

Provided, further, that after rejecting bids, the Council may determine and declare by a four-fifths vote of all its members, that the work in question may be more economically or satisfactorily performed by day labor, or the materials or labor purchased at a lower price in the open market, and after the adoption of a resolution to this effect, it may proceed to have the same done in the manner stated without further observance of the foregoing provisions of this section; and

In case of
public
calamity.

Provided, further, that in case of a great public calamity, such as an extraordinary fire, flood, storm, epidemic or other disaster, the Council may, by resolution passed by a vote of four-fifths of all its members, determine and declare that the public interest or necessity demands the immediate expenditure of public money to safeguard life, health, or property, and thereupon they may proceed, without advertising for bids or receiving the same, to expend, or enter into a contract involving the expenditure of, any sum required in such emergency, on hand in the city treasury and available for such purpose.

Section 42. PUBLIC IMPROVEMENTS AND STREET WORK: All public improvements, including the improving, widening, opening, extending, and closing of streets, lanes, or alleys, may be done and made in pursuance of the general laws of the state or procedure ordinances adopted by the Council or the electors, and the whole or any portion of the cost thereof paid out of the city treasury or assessed on the property fronting on the improvement, or the district of lands benefited. Public im-
provements.

Section 43. FRANCHISES: Every franchise or privilege to construct, maintain, or operate, any means or method of transportation in or over any street, lane, alley, or other public place within the city, or to lay pipes or conduits, or erect poles or wires or other structures in or across any such public way or place, for the transmission of gas, electricity, or other commodity, or for the use of public property or places now or hereafter owned by the city, shall be granted under and in pursuance of the general laws of the state relating to the granting of franchises; provided, no new franchise or the renewal of an existing franchise shall be granted except upon the condition that at least two per cent of the gross annual receipts derived from the use of such franchise shall be paid to the city. In all cases the applicant for a franchise shall advance the cost of advertising the same. Franchises.

Every such franchise shall require the grantee thereof to agree to a joint use of its property with others, wherever practicable, and nothing herein shall be construed as prohibiting the Council from requiring other conditions in granting the same not inconsistent with the constitution and general laws. No franchise or privilege so granted shall be sold, leased, assigned, or otherwise alienated, without the express consent of the Council given by ordinance and subject to referendum.

Section 44. FRANCHISE REQUIRED WHEN: No person, firm, or corporation, shall exercise any franchise or privilege, except to the extent he or it may be entitled to do so by the constitution of the state or of the United States, in, upon, under, over, or along any street, public way, or public place in the city without first having obtained a grant therefor as provided in this charter and by general law. Franchise
required
when.

Section 45. INALIENABLE RIGHTS OF CITY: The rights of the city in and to its waterfront, wharf property, land under water, public landings, wharves, and docks, are hereby declared inalienable. Inalienable
rights.

Section 46. BUDGET: Not later than thirty days before the time for fixing the annual tax levy, the City Manager shall submit to the Council an estimate of the expenditures and revenues of the city departments for the ensuing year. This estimate shall be compiled from detailed information obtained from the several departments on uniform blanks to be furnished by the manager. The classification of the estimate of expenditures shall be as nearly uniform as possible and shall give in parallel columns the following information: Budget.

(a) A detailed estimate of the expense of conducting each department as submitted by the department.

(b) Expenditures for corresponding items for the last two fiscal years.

(c) Expenditures for corresponding items for the current fiscal year plus an estimate of expenditures necessary to complete the current fiscal year.

(d) Amount and description of supplies and material on hand at the date of the preparation of the invoice.

(e) Increase or decrease of requests compared with the corresponding appropriations for the current year.

(f) Such other information as is required by the Council or that the City Manager may deem advisable to submit.

Sufficient copies of such estimate shall be prepared and submitted so that there may be copies on file in the City Clerk's office for inspection by the public, unless the Council shall publish the same in the official newspaper.

After duly considering the estimate and preparing the budget, the Council shall pass an ordinance levying the annual tax.

Fiscal year.

Section 47. **FISCAL YEAR:** The fiscal year of the city shall commence on the first day of July of each year, or at such other time as may be fixed by ordinance.

Taxation.

Section 48. **TAXATION:** Except as otherwise herein provided the Council shall, by ordinance, provide a system for the assessment, equalization, levy, and collection of taxes, which, as nearly as may be, shall conform to the system provided by the general laws of the state; provided, that all sales for delinquent taxes shall be made to the City of Monterey. Should the Council fail to fix the tax rate within the time prescribed, then the tax rate of the previous year shall constitute the rate for the current year.

Board of Equalization.

Section 49. **BOARD OF EQUALIZATION:** The Council shall meet at its usual meeting place on the second Monday in August of each year, at ten o'clock a.m., and sit as a Board of Equalization, and shall continue in session by adjournment from day to day until all returns of the Assessor have been rectified and assessments equalized. The Board of Equalization shall have the power to hear complaints, to take testimony under oath, and to correct, modify, strike out, or raise any assessment, provided, that notice shall first be given to any one whose assessment is proposed to be raised.

Annual tax levy.

Section 50. **ANNUAL TAX LEVY:** The Council must finally adopt, not later than its first regular meeting in September, an ordinance levying upon the assessed valuation of all property in the city, a rate of taxation sufficient to raise the amounts estimated to be required in the annual budget, and as herein provided, less the amounts estimated to be received from fines, licenses, and other sources of revenue. The Council shall then deliver the assessment roll to the Auditor, who shall thereupon compute and carry out

the amount of the tax so levied on each parcel of property contained in the assessment roll. The corrected list for each tax shall be the assessment roll of said tax for said year, and it shall be certified by the Auditor as being the assessment roll of said tax.

Section 51. **LIMIT OF TAX LEVY:** The tax levy authorized by the Council to meet the municipal expenses for each fiscal year shall not exceed the rate of one dollar on each one hundred dollars of the assessed valuation of the real and personal property within the city, except as in this charter otherwise provided. The moneys collected from such levy shall be placed in the general fund of the city, and may be apportioned as determined by the Council. Limit of
tax levy.

The foregoing limitation shall not apply in the event of any great necessity or emergency, in which case it may be temporarily suspended; provided, that no increase over said limit, except as herein prescribed, shall be made in any fiscal year, unless authorized by ordinance adopted by the vote of the electors of the city.

Section 52. **SPECIAL TAX LEVY:** The Council shall have the power to levy and collect taxes, in addition to the taxes herein or by general law authorized to be levied and collected, sufficient to pay and maintain the sinking fund of the bonded indebtedness of the city; and for the following purposes at not to exceed the following rates: Special
tax levies.

(a) For the support and maintenance of the fire department, for fire protection purposes, and for a firemen's relief fund to aid firemen who have become incapacitated in the course of duty, at the rate of not more than three mills on each dollar of the assessed valuation of the real and personal property within the city: Fire
protection.

(b) For the acquisition, construction, and maintenance, as the case may be, of permanent public improvements, of real property, of public buildings and structures, and of public offices, including equipping and furnishing the same, including also, the maintenance and improvement of Cementario El Encinal, at the rate of not more than two mills on each dollar thereof; Improve-
ments.

(c) For the maintenance and support of free public libraries and reading rooms in said city, at the rate of not more than one mill on each dollar thereof; Libraries.

(d) For music, entertainment, and promotion, at the rate of not more than one mill on each dollar thereof. Music.

Section 53. **TAX LIENS:** All taxes and assessments levied, together with any percentage imposed for delinquency and the cost of collection, shall constitute liens on the property assessed; every tax upon the personal property shall be a lien upon the real property of the owner thereof. The liens provided for in this section shall attach as of the first Monday in March of each year, and may be enforced by action to foreclose such liens in any court of competent jurisdiction, or by a sale of the property affected and the execution and delivery Tax liens.

of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance; provided, that when real estate is offered for sale for city taxes due thereon, the same shall be sold to the city in like case and manner, and with like effect and right of redemption, as it may be struck off and sold to the state when offered for sale for county taxes; and the Council shall have power to provide by ordinance for the procedure to be followed in such sales to the city and redemption thereafter.

Payment of
city moneys.

Section 54. **PAYMENT OF CITY MONEYS:** Money shall be drawn from the treasury only upon warrants as herein prescribed. Every demand against the city, from whatever source including the free public library, when allowed by the Council or proper board, shall be signed by the president and clerk of such body and a warrant numbered and dated the same as the demand, issued and signed by the same officers, and both must before the warrant can be paid, be presented to the Auditor, who shall satisfy himself whether the money is legally due and its payment authorized by law. If he allows it he shall endorse upon the warrant the word "Allowed" and the date of such allowance, and sign his name thereto. No demand shall be allowed, approved, audited, or paid unless it shall specify each item of the claim and the date thereof.

Provided, however, that warrants for salaries fixed by ordinance of officers and offices specifically created by this charter shall be allowed by the Auditor and paid regularly from the treasury without the necessity of any demand therefor or approval thereof as in this section prescribed for other claims, and at such time, not in conflict with this charter, as may be prescribed by ordinance.

Uniform
accounts
and reports.

Section 55. **UNIFORM ACCOUNTS AND REPORTS:** The Council shall prescribe uniform forms of accounts which shall be observed by all officers and departments of the city which receive or disburse city moneys. Whenever an act shall be passed by the legislature of the state providing for uniform municipal accounts or reports, the city authorities shall be governed thereby.

Newspaper
advertising
and printing.

Section 56. **NEWSPAPER ADVERTISING AND PRINTING:** The Council shall advertise annually for the submission of sealed proposals or bids, from all newspapers of general circulation in the city, for the publication of all ordinances and other legal notices and matters required to be published.

The newspaper to which such contract is awarded shall be known and designated as the "official newspaper." The rates for publishing public notices shall not exceed the customary rates charged for publishing legal notices of a private character.

The Council shall also advertise annually for sealed proposals or bids for printing and furnishing all letter heads, stationery, tax bills, account books, and other printed matter, likely to be required during the fiscal year.

Contracts for advertising or printing, as the case may be, shall be awarded to the lowest responsible bidder.

Section 57. **COUNTING THE CITY'S MONEY:** The Mayor, City Clerk, and City Manager, shall together count the money and other securities, in the treasury at least once every three months, and ascertain if the amounts on hand tally with the amounts that should be in the treasury according to the books of the city. They shall make a written report thereof to the Council at its first regular meeting thereafter.

Counting
city money.

Section 58. **GENERAL LAWS APPLICABLE:** All general laws of the state applicable to municipal corporations now or hereafter enacted, and which are not in conflict with the provisions of this charter or the ordinances of the city hereafter enacted shall be applicable to the city. The Council may adopt and enforce ordinances which in relation to municipal affairs, shall control as against general laws of the state.

General laws
applicable.

Section 59. **OFFICIAL RECORDS:** All books and records of every office and department shall be open to the inspection of any citizen during business hours, subject to proper rules and regulations for the efficient conduct of the business of such department; provided, that the records of the police department shall not be subject to such inspection except by permission of the proper police authorities.

Official
records.

All officers and boards shall deliver to their successors all papers, books, records, archives, and other properties pertaining to their respective offices or departments, in the possession or control of any such officer or department, and the Council shall provide adequate means for their safe-keeping.

Section 60. **INTERFERENCE WITH OR BY CITY MANAGER:** No member of the Council shall in any manner, directly or indirectly, by suggestion or otherwise, attempt to influence or coerce the City Manager in the making of any appointment or the purchase of supplies, or attempt to exact any promise relative to any appointment from any candidate for city manager, or discuss, directly or indirectly, with any such candidate, the matter of appointments to city offices or employments. Any violation of the foregoing provisions of this section shall constitute a misdemeanor and shall work a forfeiture of the office of the offending member of the Council, who may be removed therefrom by the Council or by any court of competent jurisdiction.

Interference
with or by
Manager.

Neither the City Manager, nor any appointive officer or employee of the city, shall take any active part in securing, or shall contribute money toward, the nomination or election of any elective candidate for municipal office.

Section 61. **LEASES OF CITY PROPERTY—**In every lease of city property for a term of over five years, the basic amount of the rental shall be fixed by the Council, and the indenture of lease shall provide that such amount shall in no event be lowered during the term thereof. Provision shall be made in all such indentures for a revision of the amount of the rental at stated periods of not less than three nor more

Leases
of city
property.

than five years each during the term of any such lease, and that such revision shall be made by a board of appraisers consisting of one appraiser appointed by the Council and one appraiser appointed by the lessee. Any increase in the amount of any such rental agreed upon by said appraisers shall bind their principals. In the event of their failure to agree upon the amount of such increase within twenty days from and after their appointment, said two appraisers may appoint a third appraiser as a member of said board, and the determination of the majority of said board of appraisers as to the amount of the increase of such rental shall be final and conclusive and binding upon all concerned. Should the two appraisers appointed by the Council and lessee, respectively, fail for thirty days from and after their appointment to agree upon the amount of the increase of the rental or to appoint a third appraiser, in any case, then upon the petition in writing of either party to any such lease, the Superior Judge of Monterey County is hereby empowered to appoint the third appraiser upon such board. In the event that the Council demands a revision of the amount of the rental set forth in any such indenture of lease, as herein provided, the lessee shall within ten days from and after receiving notice in writing of such demand, appoint its appraiser as in this section provided, and forthwith notify the Council in writing of such appointment; provided, that should the lessee fail for said period last named to make and give notice of such appointment, as aforesaid, then, upon application of the lessor, said Superior Judge is hereby empowered to make the same, and the determination of such board so constituted shall bind and be conclusive upon all parties to the lease; provided further, that in no case, shall any such board of appraisers be authorized to lower the amount of the basic rental fixed by the Council.

All such indentures of lease shall provide, also, that the Council may terminate the same at its pleasure and repossess the premises therein described upon three months notice thereof and upon paying to the lessee the market value of any improvements made or put upon said premises by the lessee. The market value of such improvements shall be determined by a board of appraisers appointed as aforesaid, and the determination of such board shall be binding on all parties in interest; provided, however, that the Council shall not terminate any such lease or repossess any such premises except for a public use and purpose; provided, further, that no lease of city property shall be made for a term of more than twenty-five years.

Section 62. INVENTORY OF CITY PROPERTY—At the time for preparing and submitting the budget, as prescribed by this charter, a complete inventory of all personal property belonging to the city shall be prepared and filed with the City Clerk, and such inventory shall be submitted to the Council by the City Manager at the time of the submission of

the annual budget. Such inventory shall be prepared under the direction of the City Manager, and all chief officials and department heads of the city shall be responsible for making and transmitting to the City Manager a full and correct inventory of all city personal property in their possession or under their control.

Section 63. **PUBLIC LIBRARY AND BOARD OF LIBRARY TRUSTEES**—All of the provisions of the preceding charter of the city relative to the Public Library, and public reading rooms, and to the Library Commission, its powers, duties, and employees, are hereby continued in full force and effect under this charter, and all members of the Board of Library Commissioners shall continue to hold office during the terms for which they were appointed; provided, however, that said board shall hereafter be designated the Board of Library Trustees; and provided further, that the provisions of this charter relative to the maintenance and support of free public libraries and reading rooms in said city, and the special tax therefor, shall prevail over the provisions of the preceding charter in relation thereto. Library.

Section 64. **CONTINUING BOARDS AND COMMISSIONS**—All boards and commissions of the city existing under the provisions of the preceding charter, or the general laws of the state, shall continue to exist under this charter, with the powers and duties now prescribed for them, respectively, and with such additional powers and duties as may hereafter be prescribed by ordinance, consistent with the provisions hereof. Continuing boards and commissions.

Section 65. **CONTINUING ORDINANCES IN FORCE**—All lawful ordinances, resolutions, and regulations, in force at the time this charter takes effect and not inconsistent with its provisions, are hereby continued in force until the same have been duly amended, repealed, or superseded. Continuing ordinances in force.

Section 66. **VACATIONS**—All officers and regular employees of the city, after serving at least one year as such, shall be entitled to two weeks vacation annually. Such vacation shall be at a time to be fixed by the executive head of the department wherein the officer or employee is serving, and shall be without loss of pay. The City Manager shall fix such vacation periods for the chief officials and department heads of the city. Vacations.

Section 67. **MONEYS RECEIVED FROM THE SALE OF CEMETERY LOTS**—All moneys received from the sale of lots in Cementario El Encinal, owned by the city, shall be expended for cemetery purposes of said city only. Cemetery.

Section 68. **DEPUTIES**—The Auditor and all officers appointed by the Council shall have the power to appoint their own deputies when the same are necessary, subject, however, to the confirmation of the Council. Deputies.

Section 69. **EQUIPMENT**—The City of Monterey is hereby empowered to supply all officers and employees thereof with the tools, equipment, books, records, and other personal property, necessary to properly discharge the duties of their Equipment.

respective offices and employments, and it shall be discretionary with the Council or City Manager to acquire or purchase the same for any office or employment to which they have, respectively, the appointing power.

Resignations. Section 70. **RESIGNATIONS**—No candidate for any city office or employment shall be required to tender his resignation in writing, or otherwise, to any other person at, or prior to, his appointment and qualification, and no resignation in writing, or otherwise, shall be valid or binding unless filed, within three days from and after the execution thereof, in the office of the City Clerk.

Payment of salaries. Section 71. **PAYMENT OF SALARIES**—The salaries of all officers and employees of the city, except those appointed by the Board of Library Trustees, shall be paid out of the general fund until such time as the Council shall create a salary fund therefrom, in which event such salaries shall be paid from the salary fund. The salaries and compensation of all officers and employees appointed by the Board of Library Trustees shall be paid out of the moneys received by the city from the special tax levy for the maintenance and support of free public libraries and reading rooms.

Seal. Section 72. **OFFICIAL SEAL**—The official seal of the city prescribed therefor by the preceding charter of the city shall continue to be the official seal of the city under this charter.

Zoning. Section 73. **ZONING SYSTEM**—The City of Monterey is hereby declared to be primarily a residential city and the Council shall have power to establish such zoning systems within the city as may in its judgment be most beneficial, and in such zoning systems may prohibit the erection or maintenance of any class or classes of buildings within certain areas, and may classify and re-classify the zones established. The Council may also prescribe the character of materials and method of construction of buildings erected within any zone area, and may establish set-back lines as it may consider necessary and proper.

Suspensions and fines. Section 73½. **SUSPENSIONS AND FINES**—For cause stated, and after a hearing as provided herein for cases of proposed removals, the appointing power, in lieu of removal, shall have authority to suspend without pay for a period not exceeding thirty days, or fine in any amount not exceeding one month's pay, any appointive officer or employee of the city, for any violation of the rules or regulations of the department in which he is serving, or upon being found guilty of any act or omission prescribed in this charter as a ground of removal for cause.

Oaths and subpoenas. Section 74. **ADMINISTERING OATHS. SUBPOENAS**—Every elective officer and every chief appointive official, including all members of boards and commissions provided for in this charter, or by ordinance, shall have the power to administer oaths and affirmations, and every such board and commission shall have power to issue subpoenas, to compel by subpoena the production of books, papers, and documents, and

to take and hear testimony concerning any matter or thing pending before such board or commission.

If any person so subpoenaed neglects or refuses to appear, or to produce any book, paper, or document, as required by such subpoena, or to answer any question which a majority of any such body shall decide to be proper or pertinent, he shall be deemed in contempt, and any such board or commission shall have the power to take the proceedings in respect thereto provided by the general laws of the state. The Chief of Police must, on request of any member of such board or commission, detail a police officer or officers to serve such subpoena.

Section 75. MONTHLY FINANCIAL REPORTS—All officers charged by the preceding charter of the city or by ordinance with submitting monthly financial reports to the Council, shall submit the same in duplicate, and upon their approval by the Council, one of each of such duplicate reports shall be posted forthwith in the office of the City Clerk in such manner as to be readily accessible to the public, and shall remain so posted until the approval by the Council of the next succeeding financial report, when the same procedure shall be followed in relation thereto. The Council, in addition to such posting, may, in its discretion, cause any of such reports to be published at any time.

Monthly
financial
reports.

Section 76. APPROVING ILLEGAL CLAIMS—Every officer who shall wilfully approve, allow or pay, any demand on the treasury not authorized by law, shall be liable to the city individually and on his official bond for the amount of the demand so approved, allowed, or paid, and shall forfeit his office and be forever disbarred from holding any position in the service of the city.

Approving
illegal
claims.

Section 77. PUBLICATION OF CHARTER AND ORDINANCES—The Council within one year after the first general municipal election held under the provisions of this charter, and from time to time thereafter, shall cause all ordinances of the city in force at such time to be classified under appropriate heads and indexed, and to be published in book form either together with, or separately from this charter. Such publication may include such provisions of the preceding charter and of the constitution and general laws of the state as to the Council may seem desirable.

Publication
of charter,
ordinances,
etc.

Section 78. WHEN CHARTER EFFECTIVE—This charter shall go into effect upon its approval by the Legislature.

Effective.

All elective officers in office at the time this charter becomes effective shall hold, and perform the duties of, their respective offices in accordance with the provisions of this charter until their successors are elected and qualified.

WHEREAS, The City of Monterey is a city containing a population of more than three thousand five hundred inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; and

Certificate.

WHEREAS, on the 28th day of October, 1924, at a special municipal election duly held in said city on that day under and pursuant to the provisions of Section 8 of Article XI of the Constitution of the State of California, the electors of said city did choose and elect J. Alves, E. J. Burns, O. P. Colburn, John L. Colwell, G. O. De Witt, P. J. Daugherty, W. G. Hudson, C. J. Krieger, Horace Langdon, Henry Little, Carmel Martin, C. A. Metz, George MacDonald, E. G. McMenamín, and J. K. Oliver, who were and are all electors of said city and eligible as candidates, under said election, as a board of fifteen freeholders to prepare and propose a new charter for the government of said city; and

WHEREAS, the result of said election was duly declared by the legislative body of said city, to wit: The Council thereof, on the 31st day of October, 1924, and all of said electors thereafter duly qualified as such freeholders in accordance with law; and

WHEREAS, the said Board of Freeholders, in pursuance of said provisions of the Constitution of the State of California, and within one hundred and twenty days after the result of said election was so declared, has prepared the foregoing charter in time, form, and manner, as prescribed by said provisions:

NOW THEREFORE, said Board of Freeholders does now propose said foregoing charter as and for the charter of the City of Monterey, and does hereby fix the 9th day of March, 1925, as the date for holding a special municipal election in said city at which the said proposed charter shall be submitted to the electors thereof for their ratification and adoption.

IN WITNESS WHEREOF, the undersigned freeholders hereunto set our hands at the City of Monterey in the State of California, this 22nd day of December, 1924.

P. J. DAUGHERTY

President of said Board of Freeholders.

J. ALVES

Secretary of said Board.

E. J. BURNS

O. P. COLBURN

J. L. COLWELL

G. O. DEWITT

W. G. HUDSON

CHARLES J. KRIEGER

HORACE LANGDON

HENRY LITTLE

CARMEL MARTIN

C. A. METZ

GEORGE MACDONALD

E. G. MCMENAMIN

J. K. OLIVER

Filed this 23rd day of December, 1924.

A. J. MASON,
City Clerk of The City of Monterey.

That the foregoing is a full, true, and correct copy of said proposed new charter on file in the office of the City Clerk of said The City of Monterey.

IN WITNESS WHEREOF, B. F. Wright, Mayor of said city, and A. J. Mason, City Clerk thereof, have hereunto set their hands and caused the corporate seal of said The City of Monterey to be affixed hereunto this 11th day of March, 1925.

[SEAL] B. F. WRIGHT,
Mayor of said The City of Monterey.
A. J. MASON,
City Clerk of said city.

WHEREAS, Said charter has been submitted to the legisla-
ture of the State of California for approval or rejection as a
whole, without power of alteration or amendment in accord-
ance with section eight, article eleven of the constitution of
the State of California, now therefore be it

Approval by
legislature.

*Resolved by the senate of the State of California, the
assembly thereof concurring,* a majority of all the members
elected to each house voting therefor and concurring therein,
that the said charter so prepared, proposed and adopted and
ratified by a majority of the qualified electors of said city of
Monterey, as hereinabove set forth, be, and the same is hereby
approved as the charter of the city of Monterey.

CHAPTER 33.

*Assembly Joint Resolution No. 15—Relating to the Colorado
River Compact between the states of California, Arizona,
Colorado, Nevada, New Mexico, Utah and Wyoming.*

[Filed with Secretary of State April 8, 1925.]

WHEREAS, The legislature of the states of California, Colo-
rado, New Mexico, Nevada, Utah and Wyoming, have here-
tofore approved the Colorado River Compact, signed by the
commissioners for said states and the state of Arizona, and
approved by Herbert Hoover, as the representative of the
United States of America, at Santa Fe, New Mexico, Novem-
ber 24, 1922, and notice of the approval by the legislature
of each of said approving states has been given by the gov-
ernor thereof to the governors of the other signatory states,
and to the President of the United States, as required by
article eleven of said compact; and

Colorado
River
Compact.

WHEREAS, The said compact has not been approved by the
legislature of the state of Arizona, nor by the congress of
the United States; now, therefore be it

*Resolved by the assembly and the senate of the legislature
of the State of California, jointly,* at its forty-sixth session

commencing on the fifth day of January, 1925, a majority of all the members elected to each house of said legislature voting in favor thereof that the provisions of the first paragraph of article eleven of the said Colorado River Compact, making said compact binding and obligatory when it shall have been approved by the legislature of each of the signatory states are hereby waived and said compact shall become binding and obligatory upon the State of California, when by act or resolution of their respective legislatures at least six of the signatory states, which have approved or which may hereafter approve said compact, shall consent to such waiver and the congress of the United States shall have given its consent and approval; *provided, however*, that said Colorado River Compact shall not be binding or obligatory upon the State of California by this or any former approval thereof, or in any event until the President of the United States shall certify and declare (a) that the congress of the United States has duly authorized and directed the construction by the United States of a dam in the main stream of the Colorado river, at or below Boulder canyon, adequate to create a storage reservoir of a capacity of not less than twenty million acre-feet of water; and, (b) that the congress of the United States has exercised the power and jurisdiction of the United States to make the terms of said Colorado River Compact binding and effective as to the waters of said Colorado river.

That certified copies of the foregoing preamble, and resolution be forwarded by the governor of the State of California to the President of the United States, the secretary of state of the United States, and the governors of the states of Arizona, Colorado, Nevada, New Mexico, Utah and Wyoming.

CHAPTER 34.

Assembly Concurrent Resolution No. 15—Relating to adjournment.

[Filed with Secretary of State April 14, 1925.]

Adjournment
sine die.

Resolved by the assembly, the senate concurring, That the forty-sixth session of the California legislature do adjourn sine die, at twelve o'clock noon Friday, April 24, 1925.

CHAPTER 35.

Assembly Concurrent Resolution No. 20—Approving certain amendments to the charter of the city of Santa Cruz, a municipal corporation in the county of Santa Cruz, State of California.

[Filed with Secretary of State April 16, 1925.]

Santa Cruz
city charter
amendments.

WHEREAS, The City of Santa Cruz is a municipal corporation of the County of Santa Cruz, State of California, having a freeholders charter adopted by the Legislature of the State

of California by Assembly Concurrent Resolution No. 15, introduced in said Legislature on the eighth day of February, 1911; and

WHEREAS, The council of said city of Santa Cruz of its own motion, and not by petition, adopted an ordinance on the fifth day of February, 1925, providing for the publication of notice of its intention to call a special election in said city to vote upon proposed amendments to sections sixteen, seventeen, eighteen, and one hundred seventy-five of said charter of said city of Santa Cruz; and

WHEREAS, On the fifth day of February, 1925, the council of said city of Santa Cruz fixed Tuesday, the twenty-fourth day of March, 1925, as the date on which said special election should be held to vote upon the said proposed amendments to said charter; and

WHEREAS, There being no official paper of said city, there was published once in the Santa Cruz Morning Sentinel, a newspaper of general circulation published and circulated in said city, the said proposed amendments in full to sections sixteen, seventeen, eighteen, and one hundred seventy-five of said charter, together with a notice of the intention of said council to call a special election in said city to vote upon the said proposed amendments to said charter, and also a notice that copies of said proposed amendments to said charter in convenient pamphlet form could be had upon application to the office of the city clerk of said city, which said last mentioned notice was published until the date fixed for said special election upon said proposed charter amendments; and

WHEREAS, In pursuance of said ordinance and at a special municipal election duly held in said city not less than forty and not more than sixty days after the completion of said advertising and publication of said proposed amendments in said Santa Cruz Morning Sentinel, to wit: on the twenty-fourth day of March, 1925, under and in accordance with law and the provisions of section eight of article eleven of the constitution of the State of California, the said proposed amendments to said sections sixteen, seventeen, eighteen and one hundred seventy-five of said charter were duly ratified by the vote of the majority of the qualified voters voting at said election and on each of such amendments in favor of each thereof; and

WHEREAS, The council of the city of Santa Cruz on the twenty-fifth day of March, 1925, duly canvassed the returns of said special election and found and declared that the majority of the qualified electors voting upon each of said proposed amendments voted in favor of ratifying each of said proposed amendments to said charter and ratified the same and each thereof; and

WHEREAS, Said proposed charter amendments, ratified as aforesaid are now submitted to the legislature of the State of California for its approval and ratification without power to alter or amend the same or any of them in accordance with

the provisions of section eight of article eleven of the constitution of the State of California; and

WHEREAS, Said sections sixteen, seventeen, eighteen and one hundred seventy-five of said charter and the proposed amendments thereof as so ratified were and are in the words and figures as follows, to wit:

CHARTER SECTION 16 ORIGINAL.

Sec. 16. Levy and Collect Taxes. To levy and collect taxes upon all property subject to taxation, for municipal purposes; provided, that the tax levied for any one year for all municipal purposes other than for the payment of the principal and interest on any bonds of the city or for school and library purposes, shall not exceed one dollar on each one hundred dollars of the assessed valuation of taxable property in the city, except as hereinafter provided. And to levy and collect assessments upon property to pay for grading, regrading, laying out, opening, widening, narrowing, extending, and improving streets, alleys, sidewalks, crossings, and other highways, public squares, parks, and places, the construction of sewers, the laying of water, gas, and other pipes and conduits.

CHARTER SECTION 16 AS AMENDED.

Taxation.

Section 16. (amended) Levy and Collect Taxes. To levy and collect taxes upon all property subject to taxation, for municipal purposes; provided, that the tax levied for any one year for all municipal purposes other than for the payment of the principal and interest on any bonds of the city or for school and library purposes, shall not exceed one dollar and fifty cents on each one hundred dollars of the assessed valuation of taxable property in the city, except as hereinafter provided. And to levy and collect assessments upon property to pay for grading, regrading, laying out, opening, widening, narrowing, extending and improving streets, alleys, sidewalks, crossings and other highways, public squares, parks and places, the construction of sewers, the laying of water, gas, and other pipes and conduits.

CHARTER SECTION 17 ORIGINAL.

Sec. 17. Creation of Indebtedness. To create, subject to the restrictions and limitations of the constitution and general laws of the State of California and of this charter, indebtedness not to exceed in all fifteen per cent of the assessed valuation of all the real and personal property in the city, to pay the costs of municipal improvements, the acquisition of public utilities, or for any lawful purpose whatever, requiring an expenditure greater than the amount which can be appropriated for such purpose out of the annual tax levy; provided, however, that no indebtedness shall be incurred by contract, bonds, or otherwise that shall require a tax levy in any one year (in excess of the limit fixed by this charter for general municipal purposes) of more than fifty cents on each one hundred dollars of the assessed valuation of the taxable prop-

erty of the city at the time said indebtedness is incurred, to meet the payments of the principal of such indebtedness.

CHARTER SECTION 17 AS AMENDED.

Section 17. (amended) Creation of Indebtedness. To create, subject to the restrictions and limitations of the constitution of the State of California and of this charter, indebtedness not to exceed in all twenty per cent of the assessed valuation of all the real and personal property in the city, to pay the costs of municipal improvements, the acquisition of public utilities, or for any lawful purpose whatever, requiring an expenditure greater than the amount which can be appropriated for such purpose out of the annual tax levy.

CHARTER SECTION 18 ORIGINAL.

Sec. 18. Tax Levy Exceeding Limit. To levy taxes exceeding the limit fixed by this charter, provided the proposition to make such levy shall have been authorized by two-thirds of the qualified electors voting thereon at a general or special election.

CHARTER SECTION 18 AS AMENDED.

Section 18. (amended) Tax Levy Exceeding Limit. To levy taxes exceeding the limit fixed by this charter, provided the proposition to make such levy shall have been authorized by a majority of the qualified electors voting thereon at a general or special election.

CHARTER SECTION 175 ORIGINAL.

Sec. 175. Limit of Tax Levy. The tax levy for each fiscal year shall not exceed, except as in this charter provided, the rate of one dollar on each one hundred dollars of the assessed value of all the real and personal property within the city.

CHARTER SECTION 175 AS AMENDED.

Section 175. (amended) Limit of Tax Levy. The tax levy for each fiscal year shall not exceed, except as in this charter provided, the rate of one dollar and fifty cents on each one hundred dollars of the assessed value of all the real and personal property within the city.

OFFICE OF THE MAYOR OF THE CITY OF SANTA CRUZ.

City of Santa Cruz
County of Santa Cruz } ss.
State of California

I, J. B. MAIER, mayor of the city of Santa Cruz, State of California, do hereby certify that the foregoing is a true copy of Sections 16, 17, 18 and 175 of the present charter of said City of Santa Cruz as approved by the legislature of the State of California on the 8th day of February, 1911, and a true copy of the proposed amendments of each of said sections of said charter as the same were ratified at a special election held in said City of Santa Cruz at the time and in the manner hereinafter set forth; that the council of said City of Santa Cruz of its own motion and not by a petition adopted

an ordinance on the 5th day of February, 1925, providing for the publication of notice of its intention to call a special election in said city to vote upon said proposed amendments to said charter; that on the 5th day of February, 1925, the council of said city fixed Tuesday, the 24th day of March, 1925, as the date on which said special election should be held to vote upon said proposed amendments, to said charter;

That there being no official paper of said city there was published once in the Santa Cruz Morning Sentinel, a newspaper of general circulation published and circulated in said city, the said proposed amendments in full to Sections 16, 17, 18 and 175 of said charter, together with a notice of the intention of said council to call a special election in said city to vote upon the said proposed amendments to said charter and also a notice that copies of said proposed amendments to said charter in convenient pamphlet form could be had upon application to the office of the City Clerk of said city, which said last mentioned notice was published until the date fixed for said special election upon said proposed charter amendments.

That in pursuance of said ordinance and at a special municipal election duly held in said city not less than forty and not more than sixty days after the completion of said advertising and publication of said proposed amendments, in said Santa Cruz Morning Sentinel, to-wit: on the 24th day of March, 1925, under and in accordance with law and the provisions of Section 8 of Article XI of the Constitution of the State of California, the said proposed amendments to said Sections 16, 17, 18 and 175 of said charter were duly ratified by the vote of the majority of the qualified voters voting at said election and on each of such amendments in favor of each thereof; and

That the council of the City of Santa Cruz on the 25th day of March, 1925, duly canvassed the returns of said special election and found and declared that the majority of the qualified electors voting upon each of said proposed amendments voted in favor of ratifying each of said proposed amendments to said charter and ratified the same and each thereof; and

That said election, publication, advertising and all acts, matters and things in connection with and relating to said proposed charter amendments were held, made and occurred, pursuant to orders, resolutions, ordinances and publications of the city council of said City of Santa Cruz in compliance with Section 8, Article XI of the constitution of the State of California.

That in all matters and things pertaining to said proposed charter amendments the provisions of said section of the constitution, the charter and ordinances of said City of Santa Cruz, and the law of the State of California, pertaining to the adoption of charter amendments and the holding of elections thereon, have been fully complied with in every particular.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the corporate seal of said City of Santa Cruz to be affixed this 26 day of March, 1925.

J. B. MAHER,
Mayor of the City of Santa Cruz.

Attest: S. A. EVANS,
City Clerk of the City of Santa Cruz.

[SEAL]

WHEREAS, Said proposed amendments so ratified as hereinbefore set forth have been and are now duly passed and submitted to the Legislature of the State of California for approval or rejection without power of alteration in accordance with section eight of article eleven of the Constitution of the State of California, now therefore be it:

Approval by legislature.

Resolved by the assembly of the State of California, the senate thereof concurring, the majority of all the members elected to each house voting therefor and concurring therein, that said amendments to the charter of the city of Santa Cruz as proposed to and adopted and ratified by the electors of said city, and as hereinbefore fully set forth, be, and the same are hereby approved as a whole without amendment or alteration for and as amendments to and as a part of the charter of said city of Santa Cruz.

CHAPTER 36.

Senate Constitutional Amendment No. 10—A resolution to propose to the people of the State of California an amendment to the constitution of said state by amending section twelve and three-fourths, article thirteen thereof, relative to exemption from taxation of certain trees and vines.

[Filed with Secretary of State April 17, 1925.]

Resolved by the senate, the assembly concurring, That the legislature of the State of California at its forty-sixth regular session, commencing on the fifth day of January, one thousand nine hundred twenty-five, two-thirds of all the members elected to each of the two houses of said legislature, voting in favor thereof, hereby proposes to the people of the State of California that section twelve and three-fourths of article thirteen of the constitution of this state be amended to read as follows:

Proposed constitutional amendment.

Sec. 12½. Fruit and nut-bearing trees under the age of four years from the time of planting in orchard form, and grape vines under the age of three years from the time of planting in vineyard form, and all immature forest trees which have been planted on lands not previously bearing merchantable timber, or planted or of natural growth, upon lands from which the merchantable original growth timber stand to the extent of seventy per cent of all trees over sixteen inches in diameter has been removed, shall be exempt from taxation, and nothing in this article shall be construed as subjecting such trees and grapevine and forest trees to tax-

Young trees and vines exempt from taxation.

ation; *provided*, that forest trees or timber shall be considered mature for the purpose of this act at such time, after forty years from the time of planting or removal of the original timber as above provided, as a board consisting of a representative from the state board of forestry, a representative from the state board of equalization and the county assessor of the county in which the timber is located, shall by a majority thereof so determine.

CHAPTER 37.

Assembly Joint Resolution No. 9—Relating to records of service in the army.

[Filed with Secretary of State April 18, 1925.]

Reestablishment of service records.

WHEREAS, Certain original records of service of men in the reserve officers training camps and the regular army have been destroyed by fire and by other means; and

WHEREAS, It is now impossible to establish the service of the persons whose records have been so destroyed; and

WHEREAS, It is highly important that such service records be established before the knowledge of such service shall have been lost; therefore, be it

Resolved by the assembly and the senate of the State of California, jointly, That congress be urgently petitioned to provide a means by which the service records of persons in the military service of the United States, which have been destroyed, can be reestablished by hearings, affidavits or some other means; and be it further

Resolved, That the chief clerk of the assembly is directed to forward copies of these resolutions to the secretary of war, the secretary of the navy, the president of the senate, the speaker of the house of representatives and the senators and representatives of the State of California in congress.

CHAPTER 38.

Assembly Joint Resolution No. 13—Relative to the improvement of the San Joaquin river and Stockton channel by the United States, and asking the United States to appropriate sums of money for dredging, deepening, widening, and otherwise improving the said channels.

[Filed with Secretary of State April 18, 1925.]

Improvement of San Joaquin river and Stockton channel.

WHEREAS, The board of engineers for rivers and harbors of the United States war department and the chief of engineers, United States army, after extensive hearings and thorough investigations have recommended the improvement of the San Joaquin river and Stockton channel to provide a channel from deep water in Suisun bay to the city of Stockton, twenty-six

feet deep at mean lower low water and one hundred feet wide on the bottom, following the river route in general; and

WHEREAS, The said board and the said chief of engineers have recommended that the federal government appropriate the sum of two million four hundred seven thousand five hundred dollars to aid in said recommended improvements; and

WHEREAS, Concurrently with the recommendations above referred to the board of engineers and the chief of engineers have suggested that local interests contribute to the first cost of dredging and provide rights of way and terminal facilities and agree to maintain said improvements; and

WHEREAS, The board of engineers for rivers and harbors, United States war department and the chief of engineers, United States army, are convinced that the contemplated improvements are necessary and justified; and

WHEREAS, The deeper channel would immediately enhance the utility of a navigable river; serve the purposes of commerce, agriculture, and industry more adequately; and greatly aid the development of the State of California; now, therefore, be it

Resolved by the assembly and the senate, jointly, That the legislature of the State of California respectfully memorialize the congress of the United States to make appropriations in accordance with the recommendations of the chief of engineers, United States army, to the secretary of war as contained in house document number five hundred fifty-four, sixty-eighth congress; and be it further

Resolved, That copies of these resolutions be forwarded to the President of the United States, to the secretary of war, president of the senate, speaker of the house, to members of the rivers and harbors committee of the house of representatives, to the members of the appropriate committee of the United States senate and to each of the senators and representatives in congress from the State of California.

CHAPTER 39.

Senate Concurrent Resolution No. 23—Relative to David Starr Jordan.

[Filed with Secretary of State April 18, 1925.]

WHEREAS, The National Education Association, at its meeting in San Francisco in July, 1923, had for its outstanding purpose the finding of some peaceful means of adjusting international differences; and

David Starr
Jordan
honored.

WHEREAS, In pursuance of this purpose delegates from all nations were invited, representatives from more than twenty nations responding to the invitation and participating in the deliberations of the convention; and

WHEREAS, At this convention there was organized the World Federation of Education Associations, an international non-partisan, nonsectarian, nonracial, organization, having for its

object the abolition of war with all its frightful destruction, and the substitution of reason and justice in the place of force; and

WHEREAS, Through the generosity of Mr. Raphael Herman a prize of \$25,000 was offered, under the auspices of the World Federation of Education Associations, for the best plan to accomplish this purpose; and

WHEREAS, From over six thousand plans submitted the prize was awarded to a Californian, Dr. David Starr Jordan, chancellor emeritus of Stanford University; and

WHEREAS, The citizens of Santa Clara county, the home of Dr. Jordan, have arranged to give him a public reception on Tuesday, April 14th, at San Jose, in recognition of his constructive services in the cause of world peace; therefore be it

Resolved by the senate of the State of California, the assembly concurring, That we extend felicitations to Dr. Jordan on this significant occasion.

We join in honoring Dr. Jordan—the man—the California citizen—the world citizen.

As a man he has come to be universally recognized as possessing those qualities of heart and mind that we regard as the ideal of American character.

As a citizen of California his years of labor in his own chosen profession and in the advancement of the state's welfare, have placed the young men and women of California, and the entire state, under obligations that can never be fully voiced.

As a world citizen, his broad vision and his humanitarian impulse have induced him to devote years of study to this greatest of international problems—the riddance of this mighty scourge of war, and the eventual achievement of international amity and good will.

With the citizens of Santa Clara county we unite in their expression of affection, respect and honor for this "Grand Old Man" of California.

Be it further resolved, That a copy of these resolutions be forwarded by the secretary of the senate to Dr. Jordan and to the committee having in charge the public reception.

CHAPTER 40.

Assembly Concurrent Resolution No. 22—Approving sixteen certain amendments to the charter of the city of Long Beach, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the eighth day of April, one thousand nine hundred twenty-five.

[Filed with Secretary of State April 18, 1925.]

Long Beach
city charter
amendments.

WHEREAS, The city of Long Beach, in the county of Los Angeles, State of California, contains a population of over fifty thousand inhabitants, and has been, ever since the year one thousand nine hundred twenty-one, and now is, organized and

acting under a freeholders' charter, adopted under and by virtue of section eight, article eleven, of the constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the fourteenth day of April, one thousand nine hundred twenty-one, and approved by the legislature of the State of California, April twenty-sixth, one thousand nine hundred twenty-one (statutes of one thousand nine hundred twenty-one, page two thousand fifty-four) and amendments thereto duly adopted by the qualified voters of said city and by resolution of said legislature filed with the secretary of state of the State of California the twenty-sixth day of April, one thousand nine hundred twenty-one (statutes of one thousand nine hundred twenty-one, page two thousand fifty-four); and

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of certain amendments to the charter of said city of Long Beach, as set out in the certificate of the mayor and city clerk of said city of Long Beach, to wit:

CERTIFICATE OF ADOPTION BY THE QUALIFIED ELECTORS OF THE CITY OF LONG BEACH AT A SPECIAL MUNICIPAL ELECTION HELD THEREIN ON THE EIGHTH DAY OF APRIL, ONE THOUSAND NINE HUNDRED TWENTY-FIVE, OF CERTAIN AMENDMENTS TO THE CHARTER OF THE CITY OF LONG BEACH, STATE OF CALIFORNIA.

STATE OF CALIFORNIA, }
 COUNTY OF LOS ANGELES, } ss.
 CITY OF LONG BEACH. }

We, Ray R. Clark, mayor of the city of Long Beach, and H. C. Waughop, city clerk of the city of Long Beach, do hereby certify as follows:

That said city of Long Beach, in the county of Los Angeles, State of California, is now, and was at all of the times herein mentioned a city containing a population of more than fifty thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; and,

That said city of Long Beach is now, and was at all of the times herein mentioned, organized and existing under a freeholders' charter adopted under the provisions of Section Eight, Article Eleven, of the Constitution of the State of California, which charter was duly ratified by a majority of the electors of said city at a special election held therein on the fourteenth day of April, one thousand nine hundred twenty-one, and approved by the Legislature of the State of California April twenty-sixth, one thousand nine hundred twenty-one, and amendments thereto, duly adopted by the qualified voters of said city and by resolution of said Legislature filed with the Secretary of State of the state of California April twenty-sixth, one thousand nine hundred twenty-one; and,

That, pursuant to the provisions of Section Eight of Article Eleven of the Constitution of the State of California, the legis-

lative body of said city, namely: the city council of said city did, on its own motion and pursuant to the provisions of Section Eight of Article Eleven of the Constitution of the State of California, duly propose to the electors of said city of Long Beach thirty-six amendments to the charter of said city and ordered that said amendments be submitted to said electors of said city at a special municipal election to be held in said city on the eighth day of April, one thousand nine hundred twenty-five; and,

That said thirty-six proposed amendments were, and each of them was, on the twentieth day of February, one thousand nine hundred twenty-five, duly published in *The Long Beach Morning Sun*, a daily newspaper of general circulation published in said city of Long Beach and the official newspaper of said city, and the newspaper designated by said city council for that purpose;

That said proposed amendments were printed in convenient pamphlet form, and from the twentieth day of February, one thousand nine hundred twenty-five, to the eighth day of April, one thousand nine hundred twenty-five, both inclusive, a notice was published in said *The Long Beach Morning Sun* that such copies could be had upon application therefor at the office of the city clerk of said city; and,

That said city council did, by ordinance designated as Ordinance No. C-374, which was duly adopted on the third day of March, one thousand nine hundred twenty-five, order the holding of a special municipal election in said city of Long Beach on the eighth day of April, one thousand nine hundred twenty-five, which date was more than forty days and less than sixty days after the completion of the publication of said thirty-six proposals of amendments to the charter of the city of Long Beach, as aforesaid, and which ordinance was published at least ten successive days prior to said election in *The Long Beach Morning Sun*, the official newspaper of the city of Long Beach, and a newspaper of general circulation and published in said city, and was posted in three conspicuous places in the city of Long Beach;

That said special municipal election was held in said city of Long Beach on said eighth day of April, one thousand nine hundred twenty-five, which day was more than forty days and less than sixty days after said proposals of amendments to the charter of said city of Long Beach had been published once in said *The Long Beach Morning Sun*, as aforesaid; which said election was held after the six months next preceding a regular session of the Legislature and before the adjournment of that session;

That at such special municipal election, held as aforesaid, on said eighth day of April, one thousand nine hundred twenty-five, a majority of the qualified voters of said city of Long Beach voting thereon voted in favor of sixteen of said proposals of amendments to the charter of the city of Long Beach, and duly ratified the same;

That said proposals of amendments to the charter of the city of Long Beach so ratified, as aforesaid, were and are amendments numbered three, six, seven, nine, eleven, twelve, nineteen, twenty, twenty-two, twenty-three, twenty-six, twenty-nine, thirty, thirty-four, thirty-five and thirty-six; and,

That all other amendments received less than the majority of the votes of the qualified voters voting thereon and were rejected; and,

That the city council of said city of Long Beach, after duly and regularly canvassing the returns of said special municipal election at the time and in the manner and form prescribed by law, duly found, determined and declared that a majority of the qualified voters of said city of Long Beach voting thereon had voted in favor of and ratified said proposals of amendments to the charter of the city of Long Beach known as amendments numbered three, six, seven, nine, eleven, twelve, nineteen, twenty, twenty-two, twenty-three, twenty-six, twenty-nine, thirty, thirty-four, thirty-five and thirty-six; and,

That a majority of the qualified voters of said city of Long Beach voting thereon had voted against and rejected proposals of amendments to the charter of the city of Long Beach known as amendments numbered one, two, four, five, eight, ten, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, twenty-one, twenty-four, twenty-five, twenty-seven, twenty-eight, thirty-one, thirty-two and thirty-three; and,

That said proposals of amendments to the charter of the city of Long Beach ratified by the electors of said city, as aforesaid, are in words and figures as follows, to-wit:

AMENDMENT NO. 3 TO THE CHARTER OF THE CITY OF LONG BEACH.

ORDINANCES AND RESOLUTIONS.

Sec. 41. Ordinances and resolutions are the formal acts of the City Council reduced to writing and passed under legal restrictions governing action thereon. Orders embrace all other acts which, being less formal in character, require only to be passed by the City Council and spread upon the minutes. No ordinance shall be placed upon its final passage upon the same day it has been introduced and read in full for the first time, except emergency measures as provided in Section 45 of this Charter. Neither ordinance nor resolution shall be in full force and effect unless it shall have received the affirmative votes of not less than five (5) members of the City Council.

Ordinances
and
resolutions.

AMENDMENT NO. 6 TO THE CHARTER OF THE CITY OF LONG BEACH.

THE DISABILITY, RELIEF AND PENSION FUND.

Sec. 187. (1) There is hereby created a governmental board in the city of Long Beach, to be known as the Police and Fire Pension Commissioners, which shall consist of three members.

Police and
Fire Pension
Commis-
sioners

The members of the Board of Police and Fire Pension Commissioners shall be appointed by the Mayor subject to confirmation by a majority of the city council. No person shall be appointed a pension commissioner who is not a qualified elector of the city of Long Beach, or who holds any public office in such city, and the members of the board shall serve without compensation.

The terms of office of the members of the Board of Police and Fire Pension Commissioners shall be four years; provided, however, that the three members first appointed hereunder shall so classify themselves by lot that one shall go out of office on the first Monday in July, 1925, one on the first Monday in July, 1926 and one on the first Monday in July, 1927. If any vacancy occurs, the mayor shall fill the same for the unexpired term subject to confirmation by a majority of the city council.

Immediately after their appointment the members of the Board of Police and Fire Pension Commissioners, as appointed hereunder, shall organize by electing one of their number chairman, who shall hold his office for one year and until his successor is elected, unless his membership on the board sooner expires.

The chief examiner of the Civil Service of the City of Long Beach shall be ex officio clerk of the Board of Police and Fire Pension Commissioners, and shall act as secretary of such board, and shall keep a record of all proceedings of such board in the manner provided for keeping a record of the proceedings of the civil service board, and shall receive such compensation for said services as the city council may by ordinance prescribe.

The Board of Police and Fire Pension Commissioners shall have exclusive control of the administration and the investment of the pension fund or funds which may be established as hereinbefore provided, and to make all needful rules and regulations for its guidance in conformity with the provisions hereof.

Service
retirement.

(2) Any member of the Fire or Police Department, who shall have served in such department for thirty years in the aggregate in any capacity or rank whatever, shall, on his application to the commission, or by order of the commission, if it be deemed for the good of the department, be retired from further service in such department, and he shall thereafter, during his lifetime, be paid in equal monthly installments from said fund a yearly pension equal to two-thirds of the annual salary attached to the rank or position held by him in such department one year prior to the date of his retirement. Provided, that after twenty years' aggregate service, on application of such member, or by the commission for the good of the department, such person shall be retired and paid in equal monthly installments from said fund a limited pension as follows: For twenty years' service, fifty per cent (50%) of the annual salary of the rank or position held by him one year prior to the date of retirement; and an addi-

tional one and two-thirds per cent (1-2/3%) of such salary for each year over twenty years and less than thirty years in the aggregate served by such member before retirement.

(3) Whenever any member of the Police or Fire Department shall become physically disabled by reason of bodily injuries received in, or by reason of sickness caused by the discharge of the duties of such person in such department, or shall become so physically or mentally disabled as a result of such injury or sickness as to render necessary his retirement from active service, the commission shall order and direct that such person be retired from further service in such department; and thereafter such person so retired shall, during his lifetime, be paid from said pension fund a yearly pension equal to one-half ($\frac{1}{2}$) of the amount of the salary attached to the rank or position held by him in such department at the date of such retirement order. Such pension shall be paid in equal monthly installments. Provided, however, that any pension granted to any member of the Police or Fire Department for disability or sickness, or the result thereof, as provided for in this section, shall cease when the disability or sickness or the result therefrom ceases and such person shall, subject to civil service provisions of the city charter, and other provisions of this charter, governing the appointment of city employees, be restored to active duty in such department of which such person was a member at the time of retirement, to the same rank or position which such person held at said time; and provided further, that in event such disability is of a continuing nature, the extent of which, however, will not prevent such person from performing certain prescribed duties within such department, the pension commissioners may, upon certificates as to such partial disability, from regularly licensed physicians in the manner hereinafter provided for, order such person restored to the department from which he was retired at the same compensation which he received prior to retirement, and in which event his pension shall cease.

Disability
retirement.

Provided further, that no person shall be retired as provided in this section, or shall receive any benefits from said pension fund, unless there shall have been filed with said pension commission, prior to the granting of such pension, certificates of disability subscribed and sworn to by such person and by three regularly licensed practicing physicians of said city, one of whom shall be the police surgeon, one to be selected by said commission, and one by the person applying for such pension.

(4) Whenever any member of the Police or Fire Department shall die as a result of any injury received during the performance of his duty, or from sickness caused by the discharge of such duty, or after retirement, or while eligible to retirement from such department, then an annual pension shall be paid in equal monthly installments to his widow, or child or children, or dependent parent or parents, in an amount equal to one-half ($\frac{1}{2}$) of the salary attached to the

Pension
in case
of death.

rank or position which such deceased person held in such department at the time of his death or one year prior to the date of his retirement from active duty in such department. Said pension shall be paid to the widow during her lifetime, and thereafter to any child or children surviving her, or to his child or children should there be no widow, until such child or children shall have attained the age of eighteen years, or to his dependent parent or parents during their lifetime or during such dependency, should there be no widow or child. Provided, however, that no widow of a pensioner shall be entitled to a pension unless she shall have been married to such deceased pensioner at least one year prior to the date of his death; and provided further, that if such widow, child or children shall marry, then the pension paid to the person so marrying shall cease; and provided further, that should the dependency of such parent or parents terminate, then the pension paid to such dependent parent or parents shall cease.

Who are
policemen.

(5) For the purpose of the provisions contained herein the Police Department shall consist of all members of such Police Department appointed under civil service rules and regulations and sworn in, as provided by the provisions of the Charter of the City of Long Beach, and including such members of such department as are not required to be under civil service rules and regulations, to perform the duties of a regular police officer of the city of Long Beach under whatever designation they may be described in any salary or departmental ordinance providing compensation for the members of said Police Department; and the Fire Department shall consist of all persons duly and regularly appointed in the Fire Department under civil service rules and regulations (as provided by the provisions of the Charter of the city of Long Beach, and including such members of such department as are not required to be under Civil Service rules and regulations), whose duty it is to prevent and extinguish fires in the city of Long Beach, under whatever designation they may be described in any salary or departmental ordinance providing compensation for said Fire Department.

Who are
firemen.

Relief and
pension fund.

(6) For the purpose of creating, maintaining and providing a fund to meet the payment of demands drawn for the payment of pensions and the expense of said Police and Fire Pension Commission as herein provided, a fund is hereby created to be known as "Relief and Pension Fund."

The Police and Fire Pension Commission shall employ an actuary who shall render a report of the cost of maintaining, on a reservation basis, the pension system as hereinabove provided, and the city manager is hereby authorized to include in his annual budget an amount not exceeding two per cent (2%) of the general tax levy to be paid into said fund, based upon the estimate of cost as established by the actuary's survey, and the city council shall annually appropriate the amount of such estimate to the "Relief and Pension Fund", and also the amount of any deficit which may remain therein

in the event the appropriation of any previous year prove insufficient to pay all demands drawn against such fund, which amount, however, in any one year, shall not exceed two per cent (2%) of the general tax levy.

There shall be paid into said fund the following moneys, to-wit: (a) The amount appropriated by the city council as hereinbefore provided. (b) All contributions, rewards and donations to the Police and Fire Departments for services by any member or members thereof, except amounts of money donated to provide for any medal or permanent competitive award. (c) All fines imposed upon members of the Police and Fire Departments for violations of rules and regulations of said departments. (d) All proceeds from the sale of unclaimed property. (e) Any and all amounts of money contributed by individual members of, or organizations within such departments, to such fund.

(7) This provision is intended to be in lieu of and take the place, in so far as it applies, of the Workmen's Compensation, Insurance and Safety Act of 1917, of the State of California, and amendments heretofore or hereafter to be adopted, and any person who would be entitled to a pension under the provisions of this amendment and who applies for a pension hereunder shall be deemed to have waived all provisions under the Workmen's Compensation, Insurance and Safety Act of 1917; but should it be decided by the Supreme Court of the State of California that the provisions of the Workmen's Compensation, Insurance and Safety Act of 1917 cannot be waived, payments that may have been made hereunder shall be credited on the amounts allowed under said Act, and all pensions granted hereunder for causes included within the purview of said Workmen's Compensation, Insurance and Safety Act shall become null and void except as to such an amount as will when added to the amount allowable under said Workmen's Compensation, Insurance and Safety Act equal the total monthly pension herein provided for.

State compensation insurance fund.

AMENDMENT NO. 7 TO THE CHARTER OF THE CITY OF LONG BEACH.

REVENUE OF PUBLIC UTILITIES.

Sec. 218. All moneys received or collected from, or arising out of the use or sale of any commodity or service, or from any other source in connection with the operation and management of any public utility of the city, shall be deposited in the City Treasury to the credit of a fund to be known by the name of the public utility from which such moneys arose, and shall be separate and apart from all other moneys of the city and from all moneys of any other public utility. The City Manager, subject to all other provisions of this Charter, shall have the power to order and contract for the expenditure of all moneys in said funds, in accordance with budget provisions, for the purposes hereinafter provided. Money shall be drawn from said funds only upon vouchers signed by the

Revenue of municipal utilities.

Superintendent of the Department in control of such public utility and countersigned by the City Manager, except that the City Council may annually, in its discretion, by ordinance, apportion and set apart out of the money then in any of said funds not required for the operating and maintenance expenses of the corresponding public utility, an amount sufficient to meet in whole or in part sums coming due for interest during the succeeding twelve (12) months and upon any principal maturing in such time, upon any outstanding bonds issued for the benefit of such public utility, and the City Treasurer shall use the money so apportioned to make such payments and for no other purpose. And if there shall be a surplus remaining, the same shall be transferred back to the fund from which it was taken;

None of the money in any of such public utility funds, or coming under the control of the City Manager in connection with the operation or management of any public utility of said city shall be apportioned or used for any purpose other than the following, to-wit:

(a) For the necessary expense of conducting the business of such public utility and of making the current and ordinary extensions, betterments and repairs; and for the salary and compensation of the superintendent of the department, his engineers, assistants and other employes working in and for such public utility department.

(b) For extra-ordinary improvements of and betterments to the property, works and system of supply and distribution of the department from which such funds arose, including the purchase of necessary lands, rights and other property.

(c) For the payment, as above provided, of interest or principal, or both, of bonds issued for the benefit of such public utility.

ANNUAL REPORT.

Annual reports of municipal utilities.

Sec. 219. On or before the second Monday in August in each year, the City Manager shall prepare and submit to the City Council a detailed report of each of the public utilities owned and operated by the city of Long Beach, showing its financial condition, together with his estimate of expenditures required for the ensuing year, designating his recommendations for current expenses, salaries, extensions, betterments and repairs, with comparative statements in parallel columns of the appropriations and expenditures for the current and next preceding fiscal year and the increases or decreases recommended. Copies of this report shall be printed and available for distribution.

PUBLIC UTILITY RECORDS.

Records of municipal utilities.

Sec. 220. If not already in existence when this amendment becomes operative, the City Manager shall cause to be made, as soon as practical, a full and complete set of records for each public utility owned and operated by the city of Long Beach, consisting of maps, plats, notes and other records of the sys-

tem, showing and giving the location and size of all mains, laterals, pipes, rights of way, plants, reservoirs, tanks, and other fixtures, property and connections. Said set of records shall be amended from time to time to show extensions, additions, betterments and alterations and shall be a faithful and accurate record of all things herein provided for. It shall be a public record and shall forever remain the property of the city of Long Beach. Said maps, plats, notes and records shall be safely kept in fire proof vaults or safes or shall be made in duplicate to prevent danger of loss.

ENGINEERS, ASSISTANTS AND OTHER EMPLOYEES.

Sec. 221. The City Council shall, by ordinance, provide the Department of Public Utilities with such engineers, assistants, clerks, stenographers, and all other labor and employees necessary and proper. Employees.

AMENDMENT NO. 9 TO THE CHARTER OF THE CITY OF LONG BEACH.

Sec. 62a. The appointment of all members of the Civil Service Board, Harbor Commission and City Planning Commission, whether herein otherwise provided or not, shall expire and terminate with the expiration of the term of the members of the City Council in office at the time of such appointments. The appointment or term of every member of every board, commission or committee now existing or hereafter created by the City Council shall expire and terminate with the expiration of the term of the members of the City Council in office at the time of such appointments, unless an earlier date of expiration or termination be provided by the City Council. Provided, however, that all such members shall hold office until their successors have been appointed and qualified. Expiration of term of office.

AMENDMENT NO. 11 TO THE CHARTER OF THE CITY OF LONG BEACH.

SALARY.

Sec. 57. Unless the salary is specifically stated elsewhere in this Charter, all officers and their regular assistants, deputies, clerks and attaches, and all members of the police and fire departments shall have such compensation for his or their services as may be prescribed and authorized by ordinance by the City Council. All salaries, anything to the contrary herein notwithstanding, shall be payable in semi-monthly installments on the fifth and twentieth days of each calendar month. The semi-monthly installment payable on the fifth day of the calendar month shall be for the salary earned during the period commencing with the sixteenth and ending with the last day of the next preceding calendar month, and the semi-monthly installment payable on the twentieth day of the calendar month shall be for the salary earned during the period commencing with the first and ending with the Salaries.

fifteenth day of the current calendar month. The remuneration and method of payment of all other employees may be prescribed by the City Council.

AMENDMENT NO. 12 TO THE CHARTER OF THE
CITY OF LONG BEACH.

Advance-
ments to pay
warrants.

Sec. 37a. The cash basis fund being insufficient to provide for the contingencies for which it was created, and in order to place the city upon a cash basis, the City Council shall have power to provide, by contract, from time to time, for the advancement to the city of Long Beach of sufficient cash to pay any or all proper and legal warrants, regularly issued, as herein provided, during the months of July, August, September, October and November of each year, and to repay such advancements together with interest thereon at a rate not to exceed one-half of one per centum (1%) per calendar month from the time each advancement is made until the same be repaid by said city, but, in no event, to exceed five (5) months; provided, however, that such advancement shall not be used for the payment of any claim exceeding the then balance of income and revenue provided for that purpose during the current fiscal year, or exceeding the amount provided by budget for such purpose.

PAYMENT OF CLAIMS.

Examination
by Auditor.

Sec. 136 (2). The City Auditor shall examine all pay-rolls, bills and other claims and demands against the city of Long Beach, and shall issue no warrant for payment unless he finds the claim is in proper form, correctly computed and duly certified; that it is justly and legally due and payable; that an appropriation has been made therefor which has not been exhausted, and that the payment has been legally authorized. The City Auditor may require any claimant to make oath to the validity of a claim, and for such purposes may examine witnesses under oath, and if he finds it fraudulent, erroneous or otherwise invalid, he shall not issue a warrant therefor.

AMENDMENT NO. 19 TO THE CHARTER OF
THE CITY OF LONG BEACH.

Repeal.

Section 288 of the Charter of the city of Long Beach is hereby expressly repealed.

AMENDMENT NO. 20 TO THE CHARTER OF
THE CITY OF LONG BEACH.

Penalties.

Sec. 34. To make the violation of the ordinances of the city or any provision of this Charter a misdemeanor, and to prescribe the penalty for such violation; which penalty shall be by fine or imprisonment or both fine and imprisonment; provided, however, that such fine shall not exceed Five Hundred Dollars (\$500.00) and such imprisonment shall not exceed six (6) months.

**AMENDMENT NO. 22 TO THE CHARTER OF
THE CITY OF LONG BEACH.**

ORGANIZATION.

Sec. 231. The City Planning Commission shall consist of the City Engineer and six (6) electors of the city of Long Beach, who shall be appointed by the City Manager, with confirmation by the City Council, and shall serve without compensation and during the pleasure of the City Manager. Organization.

**AMENDMENT NO. 23 TO THE CHARTER OF
THE CITY OF LONG BEACH.**

POWERS AND DUTIES OF CITY PLANNING COMMISSION.

Sec. 234. The City Planning Commission shall have the power, except as otherwise provided by law:

(g) Every ordinance or resolution relating to housing or building codes or zones, shall, before adoption by the City Council, be submitted to the City Planning Commission for recommendation and approval, and the same shall not be considered by the City Council until it has been approved or acted upon by the City Planning Commission; and the City Council may limit the time within which the City Planning Commission shall make its recommendations relative thereto. Consideration of ordinances.

**AMENDMENT NO. 26 TO THE CHARTER OF THE
CITY OF LONG BEACH.**

Sec. 37b. To co-operate or join by contract, or otherwise, with other cities, with states or the nation, or other governmental bodies, singly, jointly or in districts or associations, for promoting or carrying out any of the powers of the city, or for the acquisition, construction or operation of any works, plants or structures convenient or necessary for carrying out any of the purposes or objects authorized by his Charter; provided, however, that the powers in this section enumerated shall not be exercised except with the unanimous consent of the City Council. Cooperation with other cities, etc.

**AMENDMENT NO. 29 TO THE CHARTER OF THE
CITY OF LONG BEACH.**

Sec. 213a. The City Manager shall appoint, with the confirmation of the City Council, one city gas and electrical inspector to serve during the pleasure of the City Manager. The city gas and electrical inspector shall have and shall exercise, subject to the approval of the City Manager, general executive supervision and direction over the quality and adequacy of service and commodities that are, or may be supplied or required for the use of inhabitants of the city, including disputed measurements, billings and charges for such service. He shall gather, tabulate and preserve statistical information regarding the operations, revenues and expenditures of public utilities throughout the United States and keep on file in his office, at all times, all such information and other Gas and electric inspector.

data regarding the relations of various public utilities to the municipalities in which they may operate and the activities of the commissions of the various states controlling public utilities. He shall be supplied with the proper and necessary equipment, facilities and assistants and shall have power to require such reports and information from public utilities operating in the city of Long Beach as shall be necessary to the proper performance of the duties herein provided. He shall perform such other duties as may be required by the City Manager.

AMENDMENT NO. 30 TO THE CHARTER OF THE CITY OF LONG BEACH.

District
No. 1,
Zone "C."

DISTRICT NO. 1 ZONE "C":—This zone of the first district shall be restricted to the location of industries the nature of the operations of which does not constitute a menace from the standpoint of odor or smoke, and is described as follows:

Beginning at the intersection of the northerly line of Anaheim Street with the prolongation southerly of a line seventy-five (75) feet west of and parallel to the westerly line of Magnolia Avenue, as Magnolia Avenue is located north of Fourteenth Street North; and running thence westerly along the northerly line of Anaheim Street to the easterly right-of-way line of the Los Angeles County Flood Control Channel; thence northerly along the easterly right-of-way line of the Los Angeles County Flood Control Channel to the southerly line of Willow Street; thence easterly along the southerly line of Willow Street to the prolongation northerly of the aforementioned line seventy-five (75) feet west of and parallel to the westerly line of Magnolia Avenue; and thence southerly along said prolongation northerly, said line seventy-five (75) feet west of and parallel to the westerly line of Magnolia Avenue, and the prolongation thereof, to the point of beginning.

AMENDMENT NO. 34 TO THE CHARTER OF THE CITY OF LONG BEACH.

ORGANIZATION.

Harbor
Department.

Sec. 225. There is hereby created a department of the government of the city of Long Beach to be known as the Harbor Department, which shall be under the management and control of five (5) commissioners, to be known as the Board of Harbor Commissioners.

HARBOR COMMISSIONERS.

Board of
Harbor Com-
missioners.

Sec. 226. The City Manager shall appoint, with the confirmation of the City Council, the members of the Board of Harbor Commissioners. They shall serve during the pleasure of the City Manager. The Board of Harbor Commissioners shall have possession and control, under the provisions of this Charter, of the entire water front of the city of Long Beach, of all navigable waters and all tide lands and submerged

lands, whether filled or unfilled, situated below the line of mean high tide within the limits of the city of Long Beach west of the west line of the flood control channel of the Los Angeles County Flood Control District, and the provisions of this article shall be deemed to, and shall apply and appertain to such navigable waters and such tide and submerged lands. Whenever the Council of its own motion, or upon the recommendation and suggestion of the Board of Harbor Commissioners, shall find and determine that the needs and requirements of commerce, navigation or fishery demand that other territory, in addition to that placed by this Charter under the control, supervision and management of the Harbor Department, be added thereto, the Council shall have power to place such territory, by ordinance, under the control, supervision and management of the Board of Harbor Commissioners. The lands and waters under the control, supervision and management of the Board of Harbor Commissioners shall be known as the Harbor District.

OFFICERS AND EMPLOYEES OF THE BOARD OF HARBOR
COMMISSIONERS.

Sec. 227. The Board of Harbor Commissioners shall organize by electing one of its members president and one secretary. They shall receive such salaries, if any, as may be prescribed by ordinance of the City Council of the city of Long Beach. Officers.

POWERS AND DUTIES OF THE BOARD OF HARBOR COMMISSIONERS.

Sec. 228. The Board of Harbor Commissioners shall have power and it shall be its duty: Powers and duties.

(a) To make and enforce all necessary rules and regulations governing the use and control of all navigable waters and all tide lands and submerged lands, whether filled or unfilled, within the Harbor District, and may prescribe and enforce penalties for the violation of such rules and regulations;

(b) To regulate and control the anchoring, mooring, towing and docking of all vessels and water craft;

(c) To regulate and control the construction, maintenance, operation or use of any railroad, wharf, warehouse, or other utility, structure, improvement or appliance used in connection with, or for the accommodation and promotion of commerce, navigation or fishery in the Harbor District;

(d) To regulate and control all dredging or excavating in the Harbor District;

(e) To fix, regulate and collect rates or charges for the use of all wharves, warehouses, water craft, railroads, and other facilities, utilities, structures and appliances, owned, controlled or operated by the city in connection with, or for the promotion and accommodation of commerce, navigation and fishery; and the rates or charges for pilotage and towage;

(f) To regulate and control all public service and public utilities operated in connection with, or for the promotion and accommodation of commerce, navigation or fishery in the Har-

bor District; to fix the proper license fees to be paid to the city by any person, firm or corporation operating any such public service or utility; and to fix and regulate the rates or tolls to be charged or collected for services furnished by any such public service or utility. The Board shall have the right, at all reasonable times, to have access to, and, in person, or by its duly authorized representatives, to examine the books, papers, maps and records showing the affairs, transactions, property and financial condition of such persons, firms or corporations, and to require reports respecting said matters from such persons, firms or corporations at such times and in such form as the board may prescribe. The amounts of the license fees to be paid to the city by any such person, firm or corporation operating any such public service or utility, and the rates or tolls to be charged and collected for services furnished or supplied by such public service or utility shall be fixed by the board by order, subject to approval, change or modification by the Council, by ordinance, at such times and by such method of procedure as the Council may, by ordinance, prescribe;

(g) To acquire, erect, maintain or operate all such improvements, utilities, water craft, appliances or facilities as it may deem necessary or convenient for the promotion and accommodation of commerce, navigation and fishery, or for use in connection therewith, or upon the lands and waters under the control and management of said board.

(h) The powers conferred in this section upon the Board of Harbor Commissioners relating to the making and enforcement of rules and regulations of general application, and to the fixing, regulating and collecting of rates, tolls, and charges to be collected by the city, shall be exercised by order of the board adopted by a majority of its members. Every such order must be approved by the Council, by ordinance, before the same shall become effective; provided, however, that in cases of emergency the board shall have power to suspend, modify or amend any such rule or regulation, or to place in effect any emergency rule or regulation, for periods not exceeding thirty days, and every such ordinance shall so provide. Every such ordinance shall prescribe penalties for the violation of the provisions of such order, and any person, firm or corporation who shall violate the provisions of any such order shall be guilty of a misdemeanor and shall be punishable by imprisonment in the city jail for a period not exceeding six (6) months, or by a fine not exceeding five hundred dollars (\$500.00), or by both such fine and imprisonment, as may be prescribed in such ordinance.

Superintendent:
powers and
duties.

Sec. 229. The Board of Harbor Commissioners, at such time as it may deem necessary, may appoint, with the confirmation of the City Council, a superintendent in the Harbor Department, who shall have the following powers and duties in addition to the powers and duties which are or may be conferred upon him elsewhere in this Charter;

(1) To enforce all orders, rules and regulations adopted by the board relating to regulation, operation or control;

(2) To supervise and manage all construction and maintenance work authorized or ordered by the board, and to that end the board shall have power to delegate to him such necessary powers and duties as are by this Charter conferred upon said board;

(3) To designate and assign berths or landings for the use of vessels at any wharf or like facility controlled or operated by the city, at the duly established rates or charges for the use of such municipal wharves and like facilities, and subject to the rules and regulations governing the same. Every such berthing assignment shall reserve to the city the right to use such wharf or other facility for general wharf or other purposes when such space is not required for the use of the grantee or holder;

(4) To designate and assign space in any warehouse, elevator, or like facility operated by the city, at the duly established rates or charges for the use of such municipal facilities, and subject to the rules and regulations governing the same.

(5) Every such assignment of a berth or of space in any warehouse, elevator or like facility operated by the city shall be revocable by the superintendent, without compensation to the grantee or holder thereof, upon due notice to be stated therein, such notice in no case to exceed one year.

(6) Whenever it shall be determined by the board, by order, that certain parts of the tide or submerged lands therein described in the Harbor District may not be required at such time for use for purposes in connection with, or for the promotion and accommodation of commerce, navigation or fishery, the superintendent shall have power, subject to approval of the board, to grant revocable permits to use limited portions of such tide or submerged lands for any and all purposes which shall not interfere with commerce or navigation, and are not inconsistent with the trusts upon which said lands are held by the city of Long Beach. Every such revocable permit shall prescribe that it shall be revocable, without compensation to the grantee or holder thereof, upon due notice to be stated therein, such notice in no case to exceed one year.

(7) Every such assignment or revocable permit shall be issued on printed forms, which shall set forth the terms and conditions thereof.

Sec. 229a. (a) All tide lands and submerged lands within ^{Harbor.} the Harbor District, whether filled or unfilled, now owned or hereafter acquired by the city of Long Beach, are hereby declared to be required for use for purposes in connection with, or for the promotion and accommodation of commerce, navigation and fishery and shall, except as hereinafter provided, continue to be withheld for such purposes. It shall be unlawful to grant, sell, convey, alienate, transfer or otherwise dispose of, except as herein provided, any part of or any

interest in the water front, tide lands, submerged lands, or appurtenances thereto belonging, owned, controlled, possessed or held by the city of Long Beach in the Harbor District; provided that grants of such land may be made to the state of California or to the United States of America, for public purposes, when authorized by a majority vote of the qualified voters of the city, voting upon the question of authorizing any such grant at an election.

Franchises,
permits and
leases.

(b) The Board of Harbor Commissioners shall have power to grant to any person, firm or corporation franchises and permits to use the water frontage in the Harbor District for purposes in connection with or for the promotion and accommodation of commerce, navigation and fishery, together with the necessary co-terminus and adjacent tide or submerged lands, for periods not exceeding thirty (30) years, as herein-after provided. Whenever it shall be determined by the board, by order, approved by the City Council, by ordinance, that certain parts of such tide or submerged lands therein described may not be required at such time for use for purposes in connection with, or for the promotion and accommodation of commerce, navigation and fishery, the Board of Harbor Commissioners shall have power to grant leases of such tide or submerged lands for periods not exceeding thirty (30) years, for any and all purposes which shall not interfere with commerce or navigation and are not inconsistent with the trusts upon which said lands are held by the city of Long Beach.

Orders
making
grants.

(c) All such franchises, permits and leases shall be granted subject to such terms and conditions and such rental and compensation as may be prescribed therein, and to the limitations, conditions, restrictions and reservations in this Charter contained. Every such grant for a definite period of time shall be made by order. Every order making any such grant for a period of five (5) years or less shall be published once in the same manner as ordinances of said city, and shall take effect ten (10) days after the first publication thereof. Every order making any such grant for a period of more than five (5) years shall, before the same shall become effective, be submitted to the City Council for its approval or disapproval. Action must be taken thereon by the Council within thirty (30) days after such order shall have been submitted to it. If the Council shall approve the same such order shall thereupon be published once in the same manner as ordinances of said city; or, if the Council shall fail to disapprove any such order within said thirty (30) days, such order shall thereupon be published once in the same manner as ordinances of said city. Every such order, when published, shall, before the same becomes effective, be subject to the referendum provisions of this Charter relating to ordinances.

Readjust-
ment of
rental or
compensa-
tion.

Every such grant shall provide for a readjustment of the rental or the compensation every ten (10) years during the term thereby created, upon such procedure as shall be specified in such grant; provided, however, that no increase in the

rental shall be in excess of twenty per centum (20%) of the original rental or compensation for the second ten (10) year period nor in excess of forty per centum (40%) of the original rental or compensation for any succeeding ten (10) year period.

(d) Every such grant shall be made only upon the condition, whether expressed therein or not, that the construction of the works, structures or improvements, provided for therein, shall, if the same be not already constructed or made, be commenced within ninety (90) days of the date of such grant, and be prosecuted diligently to completion upon such further terms and conditions as may be prescribed therein.

Construction work.

(e) No total or partial assignment, transfer, sublease, gift or grant of control shall be valid for any purpose unless first approved by the Board of Harbor Commissioners.

Transfers, etc.

(f) Every such grant shall be subject to such rights of way over the lands embraced therein for such sewers, pipe lines, conduits, and for such telephone, telegraph, light, heat or power lines as may from time to time be determined by the Board of Harbor Commissioners, and the same shall be subject to such rights of way for such streets and other highways and for such railroads and other 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 the promotion and accommodation of commerce, navigation or fishery, or for providing railroad or other terminal facilities.

Rights of way.

Interference with development.

(g) 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 Long Beach 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 the 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.

Expiration of grants.

(h) The Board of Harbor Commissioners shall have power to declare a forfeiture of any such grant upon the neglect, failure or refusal by the grantee thereof to comply with any of the terms or conditions thereof. Upon any such forfeiture, 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.

Forfeiture of grants.

Width of
water
frontage.

(i) In the event that any standard width of dock or pier be established by the City Council or by any authorized board or commission, then no such grant shall ever be made to any one person, firm or corporation to use any such water frontage whatever in excess of the number of feet, linear measurement, measured along United States Harbor lines, equal to two times such standard width of dock or pier.

Applica-
tions and
fees.

Sec. 229b. Grants of franchises, permits, leases, revocable permits and assignments provided for herein shall be made only upon written application therefor submitted to both the City Council and the Board of Harbor Commissioners, which application shall set forth such information as the board may require, and shall be accompanied by a fee, to be prescribed by the board, sufficient to cover the expense of making any such grant. In every case where an application is filed for a franchise, permit or lease for a definite, fixed term; at least thirty (30) days must elapse after the date of filing such application before the board shall have power to grant such franchise, permit or lease.

Lease of city
wharves, etc.

Sec. 229c. (a) No wharf, dock, pier, mole or transit shed owned or controlled by the city shall ever be leased to any person, firm or corporation for any definite period of time, but the board shall have power, with the approval of the Council, by ordinance, to contract for the operation of any warehouse, elevator or like facility owned or controlled by the city for periods not exceeding five years, upon such terms and conditions as it may prescribe.

Municipal
terminal
railroad.

(b) The board shall have power to contract for or permit the operation of trains and cars upon the municipal terminal railroad of the city upon such terms and conditions as it may prescribe. In order to provide for the unified operation and control of railroad facilities in the Harbor District, both municipal and private, the board shall have power:

(1) To lease all necessary privately owned railroads, tracks, facilities and adjuncts and to operate, or provide for the operation of, the same in conjunction with the municipal terminal railroad; or

(2) To lease the municipal terminal railroad to an association or company for the purpose of operating the same together with all other privately owned railroads, tracks, facilities and adjuncts in the Harbor District necessary to provide unified operation and control of all such facilities; provided that any such lease must first be approved by a majority vote of the electors of the city voting thereon before the same shall become effective.

Harbor
revenue
fund.

Sec. 229d. All money received or collected from or arising out of the use or operation of any harbor or port improvement, work, appliance, facility or utility, or water craft, owned, controlled or operated by the city of Long Beach in or upon or pertaining to the water front or navigable waters of said city; all tolls, charges and rentals collected by the Harbor Department, and all compensations or fees required to be paid

for franchises or licenses, or otherwise by law or ordinance or order, to the city for the operation of any public service utility upon lands and waters under the control and management of the Harbor Department, shall be deposited in the City Treasury to the credit of a fund to be known as the Harbor Revenue Fund, and shall be kept separate and apart from other moneys of the city. None of the money in or belonging to the Harbor Revenue Fund shall be appropriated or used for any purpose except the following purposes:

(1) For the necessary expenses of conducting the Harbor Department, including the operation and maintenance of all harbor or port improvements, works, utilities, appliances, facilities and water craft, owned, controlled or operated by the city for the promotion and accommodation of commerce, navigation and fishery, or used in connection therewith; Uses of fund.

(2) For the acquisition, construction, completion and maintenance of harbor and port improvements, works, utilities, appliances, facilities, and water craft, for the promotion and accommodation of commerce, navigation and fishery, or used in connection therewith; and for extraordinary improvements and betterments to lands and property under the control, supervision and management of the department, including the purchase or condemnation of necessary lands and other property and property rights;

(3) For the payment of the principal, or interest, or both, of harbor improvement bonds;

(4) To return and pay into the general fund of the city, from any surplus money in said Harbor Revenue Fund, any sums paid by the city from funds raised by taxation for the payment of the principal or interest of any municipal bonds issued by the city for or on account of the harbor improvement works to which such revenue fund pertains.

Sec. 229e. Anything contained in this Charter inconsistent with or contrary to any provision of this amendment shall be deemed to be and is hereby repealed. Inconsistent provisions.

Section 289 of the Charter of the city of Long Beach is hereby expressly repealed. Repeal.

AMENDMENT NO. 35 TO THE CHARTER OF THE CITY OF LONG BEACH.

MUNICIPAL COURT.

Sec. 249a. When this amendment takes effect, as herein-after provided, there shall be established, ipso facto, in the city of Long Beach, a municipal court, as contemplated by Sections 1, 5, 11, 12, 14, 18, 23 and 24 of Article VI of the Constitution of the state of California as amended in 1924, to exist and be maintained under and in accordance with the provisions of the act of the Legislature of the state of California hereinafter referred to. If the Legislature of the state of California, in its 46th session, adopt an act, applicable to the city of Long Beach, in accordance with said constitutional provisions, providing by general law for the constitution, Municipal court.

regulation, government and procedure of municipal courts, for the jurisdiction thereof, and for the establishment of municipal courts in cities or cities and counties governed under charters framed and adopted under the authority of said Constitution, and such act becomes effective, then, upon the effective date of such act, this amendment shall take effect; otherwise this amendment shall not become operative or become effective for any purpose.

AMENDMENT NO. 36 TO THE CHARTER OF THE CITY OF LONG BEACH.

District
No. 2.

District No. 2:—This industrial district, known as the East Long Beach Industrial District, is described as follows:

All that portion of the City of Long Beach as hereinbefore described in Article II of this charter, more particularly described as follows: Beginning at the intersection of a line six hundred twenty feet south of and parallel to the southerly line of Anaheim Street with the easterly line of Temple Avenue and running thence northerly along said easterly line of Temple Avenue to a line six hundred twenty feet north of and parallel to the northerly line of Anaheim Street; thence easterly along said line six hundred twenty feet north of and parallel to the northerly line of Anaheim Street to the easterly line of Loma Avenue; thence southerly along said easterly line of Loma Avenue to the southerly line of Anaheim Street; thence easterly along said southerly line of Anaheim Street to the center line of Mira Mar Avenue; thence southerly along the center line of Mira Mar Avenue to the aforementioned line six hundred twenty feet south of and parallel to the southerly line of Anaheim Street; and thence westerly along said line six hundred twenty feet south of and parallel to the southerly line of Anaheim Street to the point of beginning.

That the foregoing is a full, true and correct copy of said proposals of amendments to the Charter of the city of Long Beach ratified by the electors of said city, as aforesaid, on file in the office of the City Clerk of said city of Long Beach.

IN WITNESS WHEREOF, Ray R. Clark, Mayor, as aforesaid, and H. C. Waughop, City Clerk, as aforesaid, have herunto set their hands and caused the corporate seal of the city of Long Beach to be thereunto duly affixed, on this 9th day of April, one thousand nine hundred twenty-five.

RAY R. CLARK,

Mayor of the City of Long Beach.

H. C. WAUGHOP,

City Clerk of the City of Long Beach.

[SEAL]

Approval by
legislature.

WHEREAS, Said proposals of amendments to the charter of the city of Long Beach ratified by the electors of said city, as aforesaid, have been submitted to the legislature of the State of California for approval or rejection without alteration or amendment, in accordance with section eight of article eleven of the constitution of the State of California; now, therefore,

Be it resolved by the assembly of the State of California, the senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said proposals of amendments to the charter of the city of Long Beach ratified by the electors of said city, as aforesaid, as presented to, adopted and ratified by the qualified electors of said city of Long Beach, as hereinabove fully set forth, be and the same are, and each of them is, hereby approved as a whole without amendment or alteration as amendments to and as a part of the charter of the city of Long Beach.

CHAPTER 41.

Senate Concurrent Resolution No. 24—Relative to approval of amendments to the charter of the city of San Diego.

[Filed with Secretary of State April 20, 1925.]

WHEREAS, The City of San Diego, in the County of San Diego, State of California, contains a population of over seventy-five thousand inhabitants, and has been ever since the year 1889, and is now, organized and existing under and pursuant to the provisions of a freeholders' charter adopted in accordance with and by virtue of the provisions of section eight of article eleven of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city at a special election held for that purpose on the second day of March, in the year 1889, in manner, form and substance as required by law, and was thereafter on the sixteenth day of May, in the year 1889, duly approved by the legislature of the State of California; and

San Diego
city charter
amendments.

WHEREAS, The legislative body and authority of said City, being the Common Council thereof, did, on its own motion, by resolution passed and adopted by said Common Council on the 15th day of December, 1924, and by resolution passed and adopted by said Common Council on the 22nd day of December, 1924, and by resolution passed and adopted by said common council on the 18th day of February, 1925, and pursuant to section eight of article eleven of the Constitution of the State of California, duly propose to the qualified electors of said The City of San Diego, certain amendments to the charter of said The City of San Diego; and

WHEREAS, Said Common Council did, by resolution passed and adopted by said Common Council on the 24th day of February, 1925, proclaim and fix the 7th day of April, 1925, as the date upon which all of said amendments so proposed by said Common Council of said The City of San Diego would be submitted to the qualified electors of said The City of San Diego; and

WHEREAS, Said Common Council did, by Resolution No. 33346, entitled, "A resolution submitting certain charter amendments to the electors of The City of San Diego," which

resolution was passed by said Common Council of said City on the 24th day of February, 1925, submit said amendments so proposed as aforesaid to the qualified electors of said City for their approval at the General Municipal Election held in said City on the 7th day of April, 1925, pursuant to the provisions of the Charter of said The City of San Diego; and

WHEREAS, Said amendments so proposed, and submitted to the electors of said City for their approval by said Resolution No. 33346 of said Common Council on the 24th day of February, 1925, were, and each of them was on the 25th day of February, 1925, and within fifteen days after the passage and adoption of said resolution of said Common Council of said The City of San Diego submitting said amendments, published once in The Evening Tribune, the official newspaper of said The City of San Diego; and

WHEREAS, Said Common Council of said The City of San Diego caused copies of all of said amendments to be printed in convenient pamphlet form, and from the 25th day of February, 1925, until the 7th day of April, 1925, being the date fixed for the election upon such charter amendments, did advertise in The Evening Tribune, a paper of general circulation, published in said The City of San Diego, a notice that such copies of said amendments might be had upon application therefor at the office of the City Clerk in the City Hall of said City; and

WHEREAS, Said election was held in said City on said 7th day of April, 1925, being not less than forty and not more than sixty days after the completion of the advertisement of said amendments, and of each of them, in the official paper of said The City of San Diego, being The Evening Tribune; and

WHEREAS, Said amendments were, pursuant to the terms of said resolution numbered 33346, described and submitted to the qualified voters of said The City of San Diego, at said election held on the 7th day of April, 1925, in manner and form as follows:

“Proposition I. Amend Section 1 of Chapter 9 of Article III of the City Charter. This amendment authorizes the Common Council to fix the salaries of the officers, except the salaries of the Common Council, and the compensation of employes of the city annually in the annual budget ordinance, and provides the minimum salaries to be paid to officers and members of the Police Department and Fire Department of The City of San Diego.”

“Proposition II. Amend Chapter II of Article II of the City Charter by adding a new section thereto, to be known and numbered as Section 1-1/2. This amendment authorizes the Common Council to employ additional attorneys to aid the City Attorney in handling litigation for the City without limit as to the amount to be paid such additional attorneys, and repeals Subdivision 40 of Section 1 of Chapter II of Article II of the City Charter.”

“Proposition III. Repeal Section 12 of Chapter I of Article II of the City Charter. Repeal Section 2(d) of Chapter I of Article VI of the City Charter. These sections of the Charter are obsolete and should be repealed.”

“Proposition IV. Amend Chapter I of Article II of the City Charter, by adding a new section thereto to be known and numbered as Section 28. This amendment authorizes the Common Council by ordinance to establish a retirement system and to provide for death benefits for employees of the City other than firemen and policemen, and other than elective officials and officers appointed by the Mayor who serve without pay, and provides that The City of San Diego shall pay each year a sum equal to moncys contributed by the city employees for the purpose of creating funds from which to meet claims arising under such retirement system.”

“Proposition V. Amend Chapter II of Article V of the City Charter. This amendment changes the provision of the Charter authorizing the City to do its own street work, by eliminating a time limit of ninety days, and enables the City to take such time as may be authorized by the Common Council to complete the work and improvement.”

“Proposition VI. Amend Sections 3 and 5 of Chapter VII, cf Article V of the City Charter. This amendment creates a Board of Zoological Commissioners, consisting of nine members, which members shall be those chosen by the San Diego Zoological Society as its Directors, and places the Zoological Exhibit in Balboa Park under the control and management of said Board of Zoological Commissioners. This amendment further provides that the Common Council shall levy annually not less than ten cents nor more than sixteen cents on each one hundred dollars valuation of property for the purpose of maintaining the parks, plazas and squares, and that at least two cents of this tax shall be used by the Board of Zoological Commissioners, exclusively for the maintenance of said Zoological Exhibit.”

“Proposition VII. Amend Section 1 of Chapter I of Article VI of the City Charter. This amendment provides for the filing of departmental estimates by the 15th day of October of each year, and the transmission of the same to the Common Council by the City Auditor on or before the last Monday in October of each year. It also provides that the Council shall adopt an annual budget ordinance on or before the first day of December of each year.”

“Proposition VIII. Amend Section 5 of Chapter III of Article IX of the City Charter. This amendment makes the Health Officer of the City the Superintendent of the Health Department and exempt from Civil Service.” And

WHEREAS, On the 13th day of April, 1925, being the first Monday following said election, at a regular meeting of said Common Council of said City, said Common Council duly and regularly canvassed the returns of said election, and duly declared the result thereof, and said Common Council did

thereby find and determine, and this legislature finds and determines, that those certain amendments proposed in said resolutions and submitted to the electors of said City, and designated in said Resolution No. 33346, as proposition one, proposition three, proposition four, proposition five, and seven, respectively, were, and each of them was, duly and regularly ratified by a majority of the qualified voters voting on each such amendments; and

WHEREAS, Said charter amendments, and each of them, so ratified by the qualified voters of said The City of San Diego at said election, are now submitted to the legislature of the State of California for approval or rejection as a whole, without power of alteration, in accordance with the provisions of section eight of article eleven of the Constitution of the State of California, which amendments so ratified by the qualified electors of said The City of San Diego, are in words as follows, to wit:

Amend Section 1, of Chapter 9, of Article III of the City Charter, so as to read as follows:

“Section 1. The annual salaries of the officers, except the salaries of the Common Council, and the compensation of employees of The City of San Diego shall be such as shall be prescribed by the Common Council of The City of San Diego in the annual budget ordinance, as provided by Section 1 of Chapter I of Article VI of this Charter; provided, however, that the officers and members of the Police Department shall receive annual compensation comprising their salaries of not less than the amounts hereinafter set forth, to-wit:

Salaries
and com-
pensation.

Police
department.

Captains of Detectives.....	\$2,640.00
Lieutenants of Detectives.....	2,400.00
Detective Sergeants.....	2,280.00
Captains of Police.....	2,640.00
Lieutenants of Police.....	2,400.00
Sergeants of Police.....	2,280.00
Patrolmen, First year.....	1,680.00
Patrolmen, Second year.....	1,800.00
Patrolmen, Third year.....	1,920.00
Patrolmen Fourth year.....	2,040.00
Motorcycle Officers.....	2,280.00
Secretary to Chief.....	2,280.00
Supt. of Bureau of Identification.....	2,400.00
Asst. Supt. of Bureau of Identification.....	2,040.00
Clerks, in Bureau of Identification, 1st year.....	1,680.00
Clerks, in Bureau of Identification, 2nd year.....	1,800.00
Clerks, in Bureau of Identification, 3rd year.....	1,920.00
Police Clerks, 1st year.....	1,680.00
Police Clerks, 2nd year.....	1,800.00
Police Clerk, 3rd year.....	1,920.00
Property Clerk.....	2,040.00
Matrons, 1st year.....	1,440.00
Matrons, 2nd year.....	1,560.00

Matron, 3rd year-----	\$1,680.00
Machinist -----	2,040.00
Chauffeurs, 1st year-----	1,620.00
Chauffeurs, 2nd year-----	1,740.00
Chauffeurs, 3rd year-----	1,860.00
Janitor -----	1,680.00
Police Department Surgeon-----	1,500.00
Assistant Surgeon -----	600.00

Said compensation to be paid in equal monthly installments.

And provided, further, that the officers and members of the Fire Department of said City shall receive annual compensation comprising their salaries of not less than the amounts hereinafter set forth, to-wit:

Assistant Chief -----	\$3,000.00
Asst. Supt. of Fire Alarm and Police Telegraph-----	2,820.00
Battalion Chiefs -----	2,640.00
Assistant Fire Marshal -----	2,640.00
Fire Department Secretary-----	2,640.00
Master Mechanic -----	2,580.00
Captains of Fire Tugs-----	2,400.00
Captains -----	2,340.00
Line Fireman, Fire Alarm and Police Telegraph-----	2,340.00
Lieutenants -----	2,280.00
Engineer, Latheman -----	2,280.00
Engineer, Fire Tugs-----	2,280.00
Linemen, Fire Alarm and Police Telegraph-----	2,280.00
Engineers -----	2,220.00
Auto Drivers -----	2,160.00
Apprentice Linemen, Fire Alarm and Police Telegraph-----	2,160.00
Headquarters Operators, Fire Alarm and Police Telegraph-----	2,160.00
Stoker, Blacksmith -----	2,100.00
Groundmen, Fire Alarm and Police Telegraph-----	2,040.00
Firemen, probation three months-----	1,620.00
Firemen, balance of first year-----	1,680.00
Firemen, Second year -----	1,800.00
Firemen, Third year-----	1,920.00
Firemen, Fourth year -----	2,040.00
Fire Department Surgeon-----	1,500.00

Said compensation to be paid in equal monthly installments.

All salaries under this charter shall be paid monthly.

Nothing in this section contained shall be construed to amend, modify or change the provisions of Sections 26 and 27 of Chapter I of Article II of this Charter."

Repeal Section 12 of Chapter I of Article II of the City Charter. Repeal.

Repeal Section 2 (d), of Chapter I, of Article VI of the City Charter. Repeal.

Amend Chapter I, of Article II of the City Charter, by adding a new section thereto, to be known and numbered as Section 28, which said Section 28 shall read as follows:

Retirement
system.

"Section 28. (1) The Common Council of The City of San Diego, State of California, is hereby authorized and empowered by ordinance to establish a retirement system and to provide for death benefits for public employees other than policemen and firemen (who are now members of a pension system) and elective officers and officers appointed by the mayor who serve without pay. Provided, however, that in no retirement system so established shall an employee be retired,—except in case of disability, incapacitating the employee for the performance of his duties,—before he reaches the age of sixty-two and before ten years of continuous service; except that the Board of Administration hereinafter created may, by rule, provide for retirement of employees after thirty years of continuous service, who elect within one year after their entrance into a retirement system, to receive a retirement allowance payable after thirty years of continuous service at rates of contribution established by the Board of Administration. Retirement shall be compulsory at the age of seventy-two.

Actuary.

(2) The Board of Administration hereinafter provided shall secure from a competent actuary a report of the cost of establishing a general retirement system for all employees of The City of San Diego. Said actuary shall be one who has had actual experience in the establishing of retirement systems for public employees, and his position shall be considered one requiring expert or technical training within the meaning of Section 9-D, Article XI of the City Charter.

Contribution
plan.

(3) The retirement system herein provided for shall be conducted on the contributory plan—the city contributing jointly with the employees affected thereunder. Employees shall contribute an amount not to exceed 5% of their salary or wage, except that in the discretion of the Board of Administration employees of the age of fifty or over, at the time a retirement system becomes effective, may be required to contribute not to exceed 10% of their salary or wage; and employees of forty years of age or over at the time a retirement system becomes effective may, at their option, within one year after their entrance into such a system and with the approval of the Board of Administration, elect to receive allowances in excess of those normally established, at rates of contribution to be determined by the Board. The City shall contribute an equal amount, except where employees elect to receive a retirement allowance at a rate in excess of that normally established; in which case the city shall contribute only the amount provided in the actuarial tables adopted by the said board for normal retirement allowances. The mortality, service, experience or other table calculated by the actuary and the valuation determined by him, and approved by the board, shall be conclusive and final, and any

retirement system established under this article shall be based thereon; provided that initial liabilities accruing under a retirement plan because of past service of employees in active service at the time this amendment is adopted, may be covered by annual appropriations by the Common Council.

The system shall be managed by a Board of Administration as established in Section 4 hereof.

(4) A Board of Administration of said retirement system is hereby created, consisting of the City Auditor, the City Treasurer, three members of the retirement system, to be elected from the active membership, a resident official of a life insurance company, an officer of a local bank, both to be appointed by the Mayor within sixty days of the taking effect of this amendment. Such appointees shall serve without compensation. Provided, however, that pending establishment of a retirement system, the Mayor shall appoint three members to represent the active members of the retirement system from a list of nominees presented by the employees who would be affected by such a system. Members, other than ex-officio members, shall so classify themselves by lot that one term shall expire each year.

Board of Administration.

(5) The Board of Administration may establish such rules and regulations as it may deem proper; shall elect one of its members president and appoint a secretary and may appoint such other employees as may be necessary. Such appointments, except the actuary, shall be made under the provisions of Article XI of this Charter.

Rules, officers, and employees.

(6) The Board of Administration shall be the sole authority and judge under such general ordinances as may be adopted, by the City Council as to the conditions under which persons may be admitted to benefits of any sort under the retirement system, and shall have exclusive control of the administration and investment of such fund or funds as may be established. Provided, however, that the Auditor shall refuse to allow any warrant drawn for payment of a retirement allowance if, in the opinion of the Auditor, such retirement allowance has been granted in contravention of this article or any ordinance passed under the authority granted herein.

Authority of board.

(7) All moneys contributed by employees of the City or appropriated by the Council or received from any other source under the terms of this article, shall be placed in a fund in the City Treasury to be known as the City Employees Retirement Fund, which fund is hereby created. Such fund shall be a trust fund to be held and used only for the purpose of carrying out the provisions of this section. No payments shall be made therefrom except upon the order of the Board of Administration.

Fund.

(8) The City Council is hereby fully empowered by a majority vote of the members to enact any and all ordinances necessary, in addition to the ordinances authorized in Section 1 of this article, to carry into effect the provisions of this article, and any and all ordinances so enacted shall have equal

Ordinances.

force and effect with this article and shall be construed to be a part hereof as fully as if drawn herein."

Amend Chapter II of Article V of the City Charter, so as to read as follows:

"CHAPTER II.

Street im-
provements.

The mode and manner for the improvement of streets, lanes, alleys, places or courts in this city, where an assessment is levied for the payment of any part or portion of the expenses thereof, shall be as prescribed by the general law of the State of California, relative to the improvement of streets, lanes, alleys, places or courts in municipalities, in force at the time proceedings were taken for the improvement of the same, except in the following particulars:

When no proposals or bids for doing the work prescribed by the resolution of intention are delivered to the Clerk, as invited by the notice inviting the same, as provided for in the general law under which the city is proceeding, or when the proposals or bids for doing the work, in the discretion of the Common Council, are too high, the Common Council may, in its discretion, by a vote of three-fourths of its members in the affirmative, direct that a proposal or bid in the name and on the part of the City be filed, whereupon the contract for doing the work shall be awarded to the City, and the City shall thus be and become the contractor, within the meaning of the general law under which the City is proceeding, and when the time has expired within which, as provided in said general law, the owners may elect to take the contract, shall have expired, and such owners have not so elected, the city shall be deemed to have undertaken to do and complete the work, at the price named in such bid or proposal, within such time as may be provided by the Common Council; and the Common Council shall have power to extend such time as it shall see fit after the time when as aforesaid it is deemed to have undertaken the same. The City need not enter into a contract with the Superintendent of Streets as provided in the general law under which the City is proceeding, nor give any check or bond, either upon bidding or to secure the performance of the work or payment for labor or materials. The warrant provided for in the general law under which the city is proceeding shall be delivered to the Clerk of the Common Council, and such clerk is hereby authorized to make on the part of the City the demand provided for in the general law under which the City is proceeding. Except as in this Charter expressly provided otherwise, all and singular the provisions of the general law under which the City is proceeding shall apply in the case where the City, under the provisions of this Charter becomes the contractor, that is to say, undertakes to do the work. And all the rights, dues and remedies of the contractor, under the provisions of the general law under which the city is proceeding, shall accrue to the city in its character of one undertaking to do the work, as provided in this Charter."

Amend Section 1 of Chapter I of Article VI of the City Charter, so as to read as follows:

“Section 1. On or before the 15th day of October of each year the head of each department of the city government shall prepare and transmit to the Auditor of said City an estimate of the probable necessities of said department for the ensuing fiscal year, giving the amount needed for salaries and probable wants of said department in detail, and showing the necessities of said department to be provided for in the Treasury. On or before the last Monday in October of each year the Auditor of the City of San Diego shall prepare and transmit to the Common Council, accompanied with the estimates and reports of each department which he shall require to be delivered to him from the heads of each department on or before the 15th day of October of each year, an estimate of the probable necessities of the city for the ensuing fiscal year, giving the amount required to meet the interest and sinking fund for any and all outstanding bonded indebtedness, together with the amount needed for salaries and probable wants of all departments of the municipal government in detail, and showing the necessities of each of the several funds to be provided for in the Treasury. The estimate shall also show as nearly as may be what amount of income and revenue is likely to accrue to the Treasury and be collected from fines, licenses, and other sources of revenue, exclusive of tax upon property, and shall give an estimate of what amount will be required to be levied and raised by tax upon all property in the city in order to meet the necessities of such fiscal year, said estimates to be based upon, where practical, the resources and expenditures of the preceding fiscal year; and, at the same time, the Auditor shall also report to the Common Council the balance on hand in the City Treasury, and in each of said funds.

Annual financial estimates.

On or before the first day of December of each year the Common Council shall adopt a budget ordinance which shall fix and determine the amount of money to be expended by each department during the ensuing fiscal year, and it shall appropriate out of the General Fund such sums of money as may be necessary to carry on the various departments of the city government during the ensuing fiscal year. Said budget ordinance shall further provide a budget for each department, and shall make it unlawful for any department to expend during any one month of the ensuing fiscal year more than one-twelfth of the amount allotted to said department for said fiscal year, except as may be by ordinance of the Common Council otherwise provided.”

Annual budget ordinance.

STATE OF CALIFORNIA, }
 County of San Diego. } ss.

THIS IS TO CERTIFY that we, JOHN L. BACON, Mayor
 of The City of San Diego, and ALLEN H. WRIGHT, City
 Clerk of said City, have compared the foregoing proposed and

Certificate.

ratified amendments to the Charter of The City of San Diego with the original proposals submitting the same to the electors of the said City at the general election held on the 7th day of April, 1925, 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 preambles preceding said amendments to said Charter are and each of them is true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the same to be authenticated by the seal of said City of San Diego, this 13th day of April, 1925.

[Seal]

JOHN L. BACON,
Mayor of The City of San Diego.

ALLEN H. WRIGHT,
City Clerk of The City of San Diego.

Approval by
legislature.

WHEREAS, The said proposed amendments are now submitted to the legislature of the State of California for approval or rejection without power of alteration or amendment in accordance with section eight of article eleven of the constitution of said state; now, therefore, be it

Resolved by the senate of the State of California, the assembly concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the said Charter herein set forth as proposed and submitted to and adopted and ratified by the qualified electors of said City, be, and the same are, and each of them is, hereby approved as a whole, without amendment or alteration, for and as amendments to, and as part of, the charter of said the city of San Diego.

CHAPTER 42.

Senate Joint Resolution No. 27—Relating to California Indians' court of claims bill, United States senate number four thousand three hundred one.

[Filed with Secretary of State April 23, 1925.]

California
Indians'
court of
claims bill.

WHEREAS, The state legislature, at the request of the Indian Board of Cooperation, Incorporated, of California, and the Indian auxiliaries thereof, has on two occasions memorialized California congressmen, the commissioner of Indian affairs and the secretary of the interior to secure the passage of a bill conferring jurisdiction upon the United States court of claims to hear and to adjudicate all claims that might be presented thereto by the tribes and bands of Indians of California; and

WHEREAS, A bill conferring jurisdiction upon the court of claims to hear and determine all claims of whatsoever nature which any tribes or bands of Indians of California may have against the United States for lands formerly occupied and claimed by them in California and to render a

judgment against the United States government for any amount found due said tribes or bands of Indians was given unanimous approval by secretary of interior, the commissioner of the Indian affairs, the house and senate committees on Indian affairs and was unanimously passed by the senate of the United States at the 66th congress; and

WHEREAS, The late Honorable Franklin K. Lane as secretary of the interior, in his letter to the 66th congress under date of February 9, 1920, said: "As these bands or tribes of Indians in California have, prima facie, a meritorious claim against the United States, and the said bill properly protected their interests and the interests of the government as well, I recommend that it receive your favorable consideration;" and

WHEREAS, The house and senate committees on Indian affairs in their recent reports to the 68th congress with reference to Senate Bill No. 4301 have said concerning same to their respective bodies: "Your committee has carefully investigated the claims of these Indians and are convinced that they have shown sufficient proof to grant them the right to have their day in court. This measure protects the government in all of these claims and allows any and all offsets which can be shown to have been given to these Indians. Your committee unanimously recommends the enactment of this bill. The legislation meets with the approval of the secretary of the interior;" and

WHEREAS, Senator Hiram W. Johnson and Congressman John E. Raker, supported by other California congressmen, the Indian board of cooperation and congressional hearings (entitled "Indian Tribes of California," dated March 23, 1920 and April 28, and 29, 1922) have succeeded in gaining the unanimous approval and passage of Senate Bill No. 4301 by both houses of the 68th congress ending March 4, 1925; and

WHEREAS, The passage of Senate Bill No. 4301 during the last days of the 68th congress failed to gain the signature of the President of the United States; now therefore be it

Resolved by the senate and assembly of the State of California, jointly, That our representatives in congress be and are hereby memorialized to regain the passage by congress of the court of claims bill, Senate No. 4301, and to secure the endorsement of the President of the United States thereto; and be it further

Resolved, That the governor of the State of California, upon passage of this resolution, shall forward a copy thereof to each of our representatives in congress, to the chairman of the committee on Indian affairs of the senate and to the chairman of the committee on Indian affairs of the house of representatives, the commissioner of Indian affairs, to the secretary of the interior and to the President of the United States.

CHAPTER 43.

Senate Concurrent Resolution No. 19—Approving certain amendments to the charter of the city of Santa Cruz, State of California.

[Filed with Secretary of State April 23, 1925.]

Santa Cruz
city charter
amendments.

WHEREAS, The City of Santa Cruz is a municipal corporation of the County of Santa Cruz, State of California, having a freeholders charter adopted by the Legislature of the State of California by Assembly Concurrent Resolution No. 15, introduced in said Legislature on the eighth day of February, 1911; and

WHEREAS, The council of said city of Santa Cruz of its own motion, and not by petition, adopted an ordinance on the fifth day of February, 1925, providing for the publication of notice of its intention to call a special election in said city to vote upon proposed amendments to sections sixteen, seventeen, eighteen, and one hundred seventy-five of said charter of said city of Santa Cruz; and

WHEREAS, On the fifth day of February, 1925, the council of said city of Santa Cruz fixed Tuesday, the twenty-fourth day of March, 1925, as the date on which said special election should be held to vote upon the said proposed amendments to said charter; and

WHEREAS, There being no official paper of said city, there was published once in the Santa Cruz Morning Sentinel, a newspaper of general circulation published and circulated in said city, the said proposed amendments in full to sections sixteen, seventeen, eighteen, and one hundred seventy-five of said charter, together with a notice of the intention of said council to call a special election in said city to vote upon the said proposed amendments to said charter, and also a notice that copies of said proposed amendments to said charter in convenient pamphlet form could be had upon application to the office of the city clerk of said city, which said last mentioned notice was published until the date fixed for said special election upon said proposed charter amendments; and

WHEREAS, In pursuance of said ordinance and at special municipal election duly held in said city not less than forty and not more than sixty days after the completion of said advertising and publication of said proposed amendments in said Santa Cruz Morning Sentinel, to wit: on the twenty-fourth day of March, 1925, under and in accordance with law and the provisions of section eight of article eleven of the constitution of the State of California, the said proposed amendments to said sections sixteen, seventeen, eighteen and one hundred seventy-five of said charter were duly ratified by the vote of the majority of the qualified voters voting at said election and on each of such amendments in favor of each thereof; and

WHEREAS, The council of the city of Santa Cruz on the twenty-fifth day of March, 1925, duly canvassed the returns of said special election and found and declared that the majority of the qualified electors voting upon each of said proposed amendments voted in favor of ratifying each of said proposed amendments to said charter and ratified the same and each thereof; and

WHEREAS, Said proposed charter amendments, ratified as aforesaid are now submitted to the legislature of the State of California for its approval and ratification without power to alter or amend the same or any of them in accordance with the provisions of section eight of article eleven of the constitution of the State of California; and

WHEREAS, Said sections sixteen, seventeen, eighteen and one hundred seventy-five of said charter and the proposed amendments thereof as so ratified were and are in the words and figures as follows, to wit:

CHARTER SECTION 16 ORIGINAL.

Sec. 16. Levy and Collect Taxes. To levy and collect taxes upon all property subject to taxation, for municipal purposes; provided, that the tax levied for any one year for all municipal purposes other than for the payment of the principal and interest on any bonds of the city or for school and library purposes, shall not exceed one dollar on each one hundred dollars of the assessed valuation of taxable property in the city, except as hereinafter provided. And to levy and collect assessments upon property to pay for grading, regrading, laying out, opening, widening, narrowing, extending, and improving streets, alleys, sidewalks, crossings and other highways, public squares, parks and places, the construction of sewers, the laying of water, gas and other pipes and conduits.

CHARTER SECTION 16 AS AMENDED.

Section 16. (amended) Levy and Collect Taxes. To levy ^{Taxation.} and collect taxes upon all property subject to taxation, for municipal purposes; provided, that the tax levied for any one year for all municipal purposes other than for the payment of the principal and interest on any bonds of the city or for school and library purposes, shall not exceed one dollar and fifty cents on each one hundred dollars of the assessed valuation of taxable property in the city, except as hereinafter provided. And to levy and collect assessments upon property to pay for grading, regrading, laying out, opening, widening, narrowing, extending and improving streets, alleys, sidewalks, crossings and other highways, public squares, parks and places, the construction of sewers, the laying of water, gas, and other pipes and conduits.

CHARTER SECTION 17 ORIGINAL.

Sec. 17. Creation of Indebtedness. To create, subject to the restrictions and limitations of the constitution and general laws of the State of California and of this charter, indebt-

edness not to exceed in all fifteen per cent of the assessed valuation of all the real and personal property in the city, to pay the costs of municipal improvements, the acquisition of public utilities, or for any lawful purpose whatever, requiring an expenditure greater than the amount which can be appropriated for such purpose out of the annual tax levy; provided, however, that no indebtedness shall be incurred by contract, bonds, or otherwise that shall require a tax levy in any one year (in excess of the limit fixed by this charter for general municipal purposes) of more than fifty cents on each one hundred dollars of the assessed valuation of the taxable property of the city at the time said indebtedness is incurred, to meet the payments of the principal of such indebtedness.

CHARTER SECTION 17 AS AMENDED.

Indebtedness.

Section 17. (amended) Creation of Indebtedness. To create, subject to the restrictions and limitations of the constitution of the State of California and of this charter, indebtedness not to exceed in all twenty per cent of the assessed valuation of all the real and personal property in the city, to pay the costs of municipal improvements, the acquisition of public utilities, or for any lawful purpose whatever, requiring an expenditure greater than the amount which can be appropriated for such purpose out of the annual tax levy.

CHARTER SECTION 18 ORIGINAL.

Sec. 18. Tax Levy Exceeding Limit. To levy taxes exceeding the limit fixed by this charter, provided the proposition to make such levy shall have been authorized by two-thirds of the qualified electors voting thereon at a general or special election.

CHARTER SECTION 18 AS AMENDED.

Tax levy exceeding limit.

Section 18. (amended) Tax Levy Exceeding Limit. To levy taxes exceeding the limit fixed by this charter, provided the proposition to make such levy shall have been authorized by a majority of the qualified electors voting thereon at a general or special election.

CHARTER SECTION 175 ORIGINAL.

Sec. 175. Limit of Tax Levy. The tax levy for each fiscal year shall not exceed, except as in this charter provided, the rate of one dollar on each one hundred dollars of the assessed value of all the real and personal property within the city.

CHARTER SECTION 175 AS AMENDED.

Limit of tax levy.

Section 175. (amended) Limit of Tax Levy. The tax levy for each fiscal year shall not exceed, except as in this charter provided, the rate of one dollar and fifty cents on each one hundred dollars of the assessed value of all the real and personal property within the city.

OFFICE OF THE MAYOR OF THE CITY OF SANTA CRUZ.

City of Santa Cruz
 County of Santa Cruz } ss.
 State of California }

I, J. B. MAJER, mayor of the city of Santa Cruz, State of California, do hereby certify that the foregoing is a true copy of Sections 16, 17, 18 and 175 of the present charter of said City of Santa Cruz as approved by the legislature of the State of California on the 8th day of February, 1911, and a true copy of the proposed amendments of each of said sections of said charter as the same were ratified at a special election held in said City of Santa Cruz at the time and in the manner hereinafter set forth; that the council of said City of Santa Cruz of its own motion and not by a petition adopted an ordinance on the 5th day of February, 1925, providing for the publication of notice of its intention to call a special election in said city to vote upon said proposed amendments to said charter; that on the 5th day of February, 1925, the council of said city fixed Tuesday, the 24th day of March, 1925, as the date on which said special election should be held to vote upon said proposed amendments, to said charter;

That there being no official paper of said city there was published once in the Santa Cruz Morning Sentinel, a newspaper of general circulation published and circulated in said city, the said proposed amendments in full to Sections 16, 17, 18 and 175 of said charter, together with a notice of the intention of said council to call a special election in said city to vote upon the said proposed amendments to said charter and also a notice that copies of said proposed amendments to said charter in convenient pamphlet form could be had upon application to the office of the City Clerk of said city, which said last mentioned notice was published until the date fixed for said special election upon said proposed charter amendments.

That in pursuance of said ordinance and at a special municipal election duly held in said city not less than forty and not more than sixty days after the completion of said advertising and publication of said proposed amendments, in said Santa Cruz Morning Sentinel, to-wit: on the 24th day of March, 1925, under and in accordance with law and the provisions of Section 8 of Article XI of the Constitution of the State of California, the said proposed amendments to said Sections 16, 17, 18 and 175 of said charter were duly ratified by the vote of the majority of the qualified voters voting at said election and on each of such amendments in favor of each thereof; and

That the council of the City of Santa Cruz on the 25th day of March, 1925, duly canvassed the returns of said special election and found and declared that the majority of the qualified electors voting upon each of said proposed amendments voted in favor of ratifying each of said proposed

amendments to said charter and ratified the same and each thereof; and

That said election, publication, advertising and all acts, matters and things in connection with and relating to said proposed charter amendments were held, made and occurred, pursuant to orders, resolutions, ordinances and publications of the city council of said City of Santa Cruz in compliance with Section 8, Article XI of the constitution of the State of California.

That in all matters and things pertaining to said proposed charter amendments the provisions of said section of the constitution, the charter and ordinances of said City of Santa Cruz, and the law of the State of California, pertaining to the adoption of charter amendments and the holding of elections thereon, have been fully complied with in every particular.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the corporate seal of said City of Santa Cruz to be affixed this 26 day of March, 1925.

J. B. MAHER,
Mayor of the City of Santa Cruz.

Attest: S. A. EVANS,
City Clerk of the City of Santa Cruz.

(SEAL)

Approval by
legislature.

WHEREAS, Said proposed amendments so ratified as hereinbefore set forth have been and are now duly passed and submitted to the legislature of the State of California for approval or rejection without power of alteration in accordance with section eight of article eleven of the constitution of the State of California, now therefore be it

Resolved by the senate of the State of California, the assembly thereof concurring, the majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the city of Santa Cruz as proposed to and adopted and ratified by the electors of said city, and as hereinbefore fully set forth, be, and the same is hereby approved as a whole without amendment or alteration for and as amendments to and as a part of the charter of said city of Santa Cruz.

CHAPTER 44.

Senate Concurrent Resolution No. 20—Relative to the enforcement of the alien land law.

[Filed with Secretary of State April 23, 1925.]

Enforcement
of alien
land law.

WHEREAS, The people of the State of California did in the year one thousand nine hundred twenty pass the so-called "alien land act" which act has been strengthened by certain amendments passed by this legislature; and

WHEREAS, It has been currently reported that certain of the authorities of this state and its political subdivisions, have, and now are, refusing or neglecting to enforce the provisions of

said act and are permitting infractions and evasions of said act to go unpunished; therefore, be it

Resolved by the senate, the assembly concurring, That the attorney general and the various district attorneys of the state be and they are hereby requested to immediately take steps looking to the complete enforcement of said act, and be it further

Resolved, That copies of this resolution be forwarded to the district attorney of every county in the state.

CHAPTER 45.

Assembly Concurrent Resolution No. 16—Relating to the California Diamond Jubilee celebration.

[Filed with Secretary of State April 23, 1925.]

WHEREAS, California will celebrate the seventy-fifth anniversary of its admission into the Union on September 9, 1925, and this historical event is to be known as the Diamond Jubilee celebration throughout the state; and

California
Diamond
Jubilee
celebration.

WHEREAS, Various celebrations will be held in California commemorating this event, culminating with a final celebration in the city of San Francisco, on September 9, 1925; now therefore be it

Resolved by the assembly, the senate concurring, That the governor be requested to send an invitation to his excellency, the President of the United States and to the members of his cabinet, and request the congress of the United States to appoint appropriate committees representing both houses, to attend said celebration; and be it further

Resolved, That the governor be requested to communicate with the governors of the various states inviting them personally to attend said Diamond Jubilee, or to send an official representative; and be it further

Resolved, That the governor be requested to issue a proclamation calling the attention of the people to the significance and importance of this great historical event.

CHAPTER 46.

Assembly Joint Resolution No. 18—Relative to protective tariff on cherries.

[Filed with Secretary of State April 23, 1925.]

WHEREAS, Due to the importation from foreign countries of Royal Anne cherries for Maraschino purposes, at a price of five and one-half cents per pound, f. o. b. United States ports, California growers have been forced to sell their product at prices far below cost of production; and

Tariff on
Royal Anne
cherries.

WHEREAS, The cost of production of Royal Anne cherries for Maraschino purposes, as established by accurate records, is

nine and sixteen one-hundredths cents per pound, which price does not provide a margin of profit to the grower; and

WHEREAS, If the California growers are forced to meet this competition in the future, the cherry industry of California will be sacrificed; and

WHEREAS, A protective tariff of eight cents per pound on Royal Anne cherries would amply protect the growers against foreign competition; now, therefore, be it

Resolved by the assembly and senate, jointly, That the congress of the United States be and it is hereby memorialized to fix a tariff of eight cents per pound on all Royal Anne cherries imported into the United States.

Resolved, further, That a copy of this resolution be forwarded by the chief clerk of the assembly to the senate and to the house of representatives of the United States, and to each of the United States senators from California and to each member of the house of representatives from the State of California.

CHAPTER 47.

Assembly Concurrent Resolution No. 23—Relative to the work of the American Legion.

[Filed with Secretary of State April 23, 1925.]

American
legion
endowment.

WHEREAS, The American Legion, out of respect to the memory of the soldiers, marines and sailors who engaged in service of the wars of the United States, and who have passed to the great beyond, has taken upon itself the obligation of caring for their orphans and has made this effort coextensive with the United States and its dominions; and

WHEREAS, There are two hundred thousand disabled war veterans of the world war, of whom about ten per cent reside in California; and

WHEREAS, There are thirty thousand orphan children of the ex-service men of the last world war; and

WHEREAS, The American Legion, for the purpose of better care and hospitalization of the disabled veteran, and for the purpose of providing homes and billets for the orphans, will, in May of this year, conduct a national campaign to raise a five million dollar endowment, which will guarantee a solid financial basis in perpetuity for the programs of disabled men's rehabilitation and child welfare the quota of said fund for California being the sum of four hundred thousand dollars; now, therefore, be it

Resolved by the assembly, the senate concurring, That we commend to the public the ideals and service of the American Legion, and urge the people to support the legion in this work and to subscribe to the said fund.

CHAPTER 48.

Senate Constitutional Amendment No. 15—A resolution to propose to the people of the State of California that the constitution of said state be amended by adding to article six a new section to be numbered one a, and by amending sections six, seven and eight of said article, relative to the judicial department, by providing for a judicial council.

[Filed with Secretary of State April 24, 1925.]

Resolved by the senate, the assembly concurring, That the legislature of the State of California at its forty-sixth regular session, commencing on the fifth day of January, one thousand nine hundred twenty-five, two-thirds of the members elected to each of the houses thereof voting in favor thereof, hereby proposes to the people of the State of California to amend the constitution of this state by adding to article six a new section to be numbered one a, and by amending sections six, seven and eight of said article, to read as follows:

Proposed
constitu-
tional
amendment.

Sec. 1a. There shall be a judicial council. It shall consist of the chief justice or acting chief justice, and of one associate justice of the supreme court, three justices of district courts of appeal, four judges of superior courts, one judge of a police or municipal court, and one judge of an inferior court, assigned by the chief justice to sit thereon for terms of two years; *provided*, that if any judge so assigned shall cease to be a judge of the court from which he is assigned, his term shall forthwith terminate. The chief justice or acting chief justice shall be chairman. No act of the council shall be valid unless concurred in by six members.

Judicial
council:
organization.

The judicial council shall from time to time:

(1) Meet at the call of the chairman or as otherwise *pro-* Duties.
vided by it.

(2) Survey the condition of business in the several courts with a view to simplifying and improving the administration of justice.

(3) Submit such suggestions to the several courts as may seem in the interest of uniformity and the expedition of business.

(4) Report to the governor and legislature at the commencement of each regular session with such recommendations as it may deem proper.

(5) Adopt or amend rules of practice and procedure for the several courts not inconsistent with laws that are now or that may hereafter be in force; and the council shall submit to the legislature, at each regular session thereof, its recommendations with reference to amendments of, or changes in, existing laws relating to practice and procedure.

(6) Exercise such other functions as may be provided by law.

The chairman shall seek to expedite judicial business and to equalize the work of the judges, and shall provide for the

assignment of any judge to another court of a like or higher jurisdiction to assist a court or judge whose calendar is congested, to act for a judge who is disqualified or unable to act, or to sit and hold court where a vacancy in the office of judge has occurred.

The clerk of the supreme court shall act as secretary of the council.

The several judges shall cooperate with the council, shall sit and hold court as assigned, and shall report to the chairman at such times and in such manner as he shall request respecting the condition, and manner of disposal, of judicial business in their respective courts.

Compensation.

No member of the council shall receive any compensation for his services as such, but shall be allowed his necessary expenses for travel, board and lodging incurred in the performance of his duties as such. Any judge assigned to a court wherein a judge's compensation is greater than his own shall receive while sitting therein the compensation of a judge thereof. The extra compensation shall be paid in such manner as may be provided by law. Any judge assigned to a court in a county other than that in which he regularly sits shall be allowed his necessary expenses for travel, board and lodging incurred in the discharge of the assignment.

Superior court, how constituted.

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. There may be as many sessions of a superior court, at the same time, as there are judges elected, appointed or assigned thereto. The judgments, orders, and proceedings of any session of a superior court, held by any one or more of the judges sitting therein, shall be equally effectual as though all the judges of said court presided at such session.

Presiding judge.

Sec. 7. The judges of each superior court in which there are more than two judges sitting, shall choose, from their own number, a presiding judge, who may be removed as such at their pleasure. Subject to the regulations of the judicial council, he shall distribute the business of the court among the judges, and prescribe the order of business.

Apportionment of business.

Term of office.

Sec. 8. The term of office of judges of the superior courts shall be six years from and after the first Monday of January after the first day of January next succeeding their election. A vacancy in such office shall be filled at the next succeeding general state election after the first day of April next succeeding the accrual of such vacancy by the election of a judge for a full term to commence on the first Monday of January after the first day of January next succeeding his election. The governor shall appoint a person to hold such vacant office until the commencement of such term.

Vacancies.

CHAPTER 49.

Senate Constitutional Amendment No. 32—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 thirteen thereof, to be designated as section one b, relating to revenue and taxation.

[Filed with Secretary of State April 24, 1925.]

Resolved by the senate, the assembly concurring, That the legislature of the State of California, at its regular session commencing on the fifth day of January, one thousand nine hundred twenty-five, two-thirds of the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes to amend the constitution of the State of California by adding a new section to article thirteen thereof, to be designated as section one b, and to read as follows:

Proposed constitutional amendment.

Sec. 1b. All property used or held exclusively for the burial or other permanent deposit of the human dead or for the care, maintenance or upkeep of such property or such dead, except as used or held for profit, shall be free from taxation and local assessment.

Burial places exempt from taxation.

CHAPTER 50.

Senate Concurrent Resolution No. 26—Approving certain amendments to charter of the city of San Bernardino, a municipal corporation in the county of San Bernardino, State of California, voted for and ratified by the electors of said city at the general municipal election, held therein, on the thirteenth day of April, 1925.

[Filed with Secretary of State April 24, 1925.]

WHEREAS, proceedings have been taken and had for the proposal, adoption, and ratification of certain amendments hereinafter set forth to the charter of the city of San Bernardino, a municipal corporation in the county of San Bernardino, State of California, as set out in the certificate of the mayor and city clerk of said city, as follows, to wit:

San Bernardino city charter amendments.

State of California
County of San Bernardino
City of San Bernardino } ss:

WHEREAS, the City of San Bernardino, in the County of San Bernardino, State of California, has, at all times mentioned herein, been and now is a municipal corporation of said State of California, having a population of more than thirty-five thousand 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, (Statutes 1905, page 940, et seq); and

WHEREAS, the Mayor and Common Council of said City of San Bernardino, did, by Ordinance designated "Ordinance No. 1173", entitled "An Ordinance calling a special election to be held in the City of San Bernardino, on Monday, the 13th day of April, 1925, for the purpose of submitting to the qualified electors of said City, for their ratification or rejection, certain proposed amendments to the Charter of the City of San Bernardino", adopted by said Mayor and Common Council on the 16th day of March, 1925, and approved by the Mayor of said City on the 17th day of March, 1925, 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, 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 the said City on the 13th day of April, 1925; and

WHEREAS, said proposed amendments hereinafter set forth were published for one day 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 being on the 27th day of February, 1925; and

WHEREAS, copies of said proposal containing said proposed amendments were printed in convenient pamphlet form, and until the date fixed for the election hereinafter described and as required by law, an advertisement was published in the San Bernardino Daily Sun, a daily newspaper of general circulation, printed, published and circulated in said City, that copies could be had upon application therefor at the office of the City Clerk; and

WHEREAS, copies could be had upon application therefor at the office of the City Clerk until the date fixed for the election hereinafter described; and

WHEREAS, the Mayor and Common Council of said City, did, by said Ordinance designated "Ordinance No. 1173", which was duly passed and adopted on the 16th day of March, 1925, and approved by the Mayor of said City on the 17th day of March, 1925, call and order the holding of a special municipal election in the City of San Bernardino on the 13th day of April, 1925, which said last mentioned date was at least forty days, and not more than sixty days after the completion of the publication of such proposed amendments to said Charter for one day in said San Bernardino Daily Sun, said newspaper, and which said Ordinance calling such election specified, ordered and ordained that said proposed amendments be submitted to the qualified electors of said City, at said special election for ratification or rejection, and designated the time of such election, and provided for the election precincts and

the polling places therein and the election officers for each such precinct, and which said Ordinance was published for ten days in the Evening Telegram, the last day of said publication being on the 28th day of March, 1925; and

WHEREAS, said amendments were duly submitted to the qualified electors of said City of San Bernardino, at said special election held on the said 13th day of April, 1925, which said special election was held not less than forty days, nor more than sixty days after the completion of the publication of such proposal for one day in the San Bernardino Daily Sun, said daily newspaper; and

WHEREAS, in and by said Ordinance so passed, approved and published, as aforesaid, said proposed amendment was submitted to the qualified electors of said City, at a special municipal election; and

WHEREAS, in and by said Ordinance, said Mayor and Common Council ordered that said special election be consolidated with a general election held in the City of San Bernardino, on said date; and

WHEREAS, said proposed amendment was duly submitted to the qualified electors of said City of San Bernardino, at said special election; and

WHEREAS, the Mayor and Common Council of the City of San Bernardino duly met on the 15th day of April, 1925, in accordance with law, and did then and there duly and regularly canvass the returns of said special election so held on the 13th day of April, 1925; and did find and determine therefrom that said proposed amendment to said Charter, hereinafter particularly set forth, was voted for and against at said election, as follows: total votes in favor of said amendment, 3273; total votes against said amendment, 822; and thereafter, the City Clerk and Ex-officio Clerk of the Mayor and Common Council of the City of San Bernardino did enter the record thereof in the minutes of said Mayor and Common Council; and

WHEREAS, said Mayor and Common Council did, thereupon cause said canvass to be entered upon its minutes, and did find and determine and declare that said proposed amendment had been ratified and adopted by a majority of the electors of said City voting thereon; and

WHEREAS, said amendment so ratified by the electors of the said City of San Bernardino, at said special election, 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;

Now, therefore, the undersigned, Grant Holcomb, the Mayor and chief executive of the City of San Bernardino, and John H. Osborn, the City Clerk and Ex-officio Clerk of the Mayor and Common Council of the City of San Bernardino, authenticated their signatures with the official seal of said City, do hereby CERTIFY that said amendment to said Charter of said

City, so ratified by a majority of the qualified electors voting thereon at said special municipal election held on the 13th day of April, 1925, as submitted to said electors, is in words and figures as follows, and is and shall, if so approved by said Legislature, be in the words and figures following, to-wit:

"Proposed Charter Amendment Number One: It is hereby proposed that Sections 190 and 191 of said City Charter be amended to read as follows, and that Sections 192, 193, 195, 196, 197, 198 and 199, of said City Charter, be repealed, to-wit:

School
department.

"Section 190. The school department shall comprise all of the public schools of the City of San Bernardino School District and the public school of the City of San Bernardino High School District, as such districts now or may hereafter exist. Said school department, for the purpose of fixing the governing boards thereof and the number of members of such Boards of Education, their qualifications, manner of election, and other matters relative thereto, shall be divided into what shall be known as the City of San Bernardino School District and the City of San Bernardino High School District.

Board of
Education.

The Board of Education shall consist of seven members, five of whom shall, at the time of their respective elections, and during the time they respectively held office, be qualified electors and residents of the City of San Bernardino School District, and two of whom, at the time of their respective elections, and during the time they respectively hold office, shall be qualified electors and residents of that portion of the City of San Bernardino High School District not included within the City of San Bernardino School District.

Districts.

The City of San Bernardino School District shall comprise all territory included within the present limits of said City of San Bernardino School District, or that may hereafter be included within the limits of such district. The City of San Bernardino High School District shall comprise all of the territory within the present limits of said High School District, and all territory that may be hereafter included within said High School District.

Elections.

All of the territory now or that may hereafter be embraced within said City of San Bernardino High School District shall be deemed a part of said City for the purpose of holding elections, and shall constitute such number of election precincts as shall from time to time be designated and defined by the proper authority. All qualified electors within said High School District shall be qualified to vote for members of the Board of Education and on all questions pertaining to school matters submitted to the vote of the people of such district. All the territory within said City of San Bernardino High School District, not within said City, shall be deemed to be a part of said City for all matters and things connected with the school department.

Powers and
duties of
board.

The Board of Education is hereby vested with all the powers and charged with all the duties provided by this Charter and the laws of the State of California applicable to such

Boards of Education and such high school districts, and said Board shall have the control and management of the public schools of said High School District in accordance with, and shall be controlled and governed by, the laws of said State applicable thereto.

The members of said Board of Education, who are electors and residents of the City of San Bernardino School District, shall constitute and be the Board of Education of said City of San Bernardino School District and shall be known as the City board. Said City Board of Education is hereby vested with all the powers and charged with all the duties provided by this Charter and the laws of the State of California applicable to such boards of education and such School Districts, and said Board shall have the control and management of the public schools of said City of San Bernardino School District in accordance with and shall be controlled and governed by the laws of said State applicable thereto”.

“Section 191. No person shall be elected or appointed to the office of member of the Board of Education unless he be an elector and resident, as provided in Section 190 of this Charter. The term of office of members of the Board of Education shall be four years; provided, however, that the hold-over members of the present Board of Education and those elected to office at the general municipal election held in April, 1925, shall hold office until the expiration of the respective terms, as herein provided.

Members:
qualifica-
tions, term
and election.

Immediately after this provision shall go into effect, a special election shall be called and held within said City of San Bernardino High School District for the purpose of electing the two members of said Board of Education who are residents of the portion of said High School District not within the City of San Bernardino School District. One of said members shall be elected for the term expiring at noon on the second Monday in May, 1927, and one of said members shall be elected for the term expiring at noon on the second Monday in May, 1929.

The term of office of said hold-over members and those elected, as herein provided, shall be as follows:

The term of office of two hold-over members and one of those elected at said special election, who is a resident of the territory not within the City of San Bernardino School District, shall expire at twelve o'clock noon on the second Monday in May, 1927;

The term of office of three members elected to the present Board at the general municipal election held in April, 1925, and the term of office of one of those elected at said special election, who is a resident of the territory in said High School District not within the City of San Bernardino School District, shall expire at twelve o'clock noon on the second Monday in May, 1929.

Hereafter, at the time of holding general municipal elections, a sufficient number of persons shall be elected members

of the Board of Education to fill the offices becoming vacant by the expiration of terms of office, as herein provided.

At any election held for the purpose of electing members of the Board of Education, those receiving the highest number of votes equal to the number of offices to be filled, who possess the qualifications as herein provided, shall be declared to be elected.

Vacancies. Vacancies in the office of member of the Board of Education shall be filled by the remaining members of the Board at the next regular meeting after such vacancy occurs. The person elected by the Board of Education to fill a vacancy on the Board shall hold office until the next general municipal election, at which time a member shall be elected to the Board to fill the unexpired term”.

Repealed. “Section 191-a. Sections 192, 193, 195, 196, 197, 198, and 199 of this Charter are hereby repealed”.

Certificate. And the said Grant Holcomb, as Mayor and chief executive of said City, and John H. Osborn, as Clerk of said City, and the Mayor and Common Council of said City, do hereby further CERTIFY that they have this day carefully compared the foregoing and proposed ratified amendment to the Charter of the City of San Bernardino, with the original submission thereof, and said Ordinance No. 1173, and the proceedings of the Common Council of said City, on file and of record in the office of said City Clerk, subsequent to the passage of said Ordinance, and from said comparison and examination, they find and hereby CERTIFY that the foregoing contains a true, full, exact and correct copy of said Charter Amendment to said Charter of said City of San Bernardino, as ratified aforesaid.

And we further hereby CERTIFY that the facts set forth in the Preamble of this certificate preceding said amendment to said Charter and each of them is true.

And, for and on behalf of said City, we, being hereinbefore duly authorized, do hereby request the Legislature of the State of California to adopt said 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 15th day of April, 1925.

GRANT HOLCOMB,
Mayor and chief executive of the
City of San Bernardino.

ATTEST J. H. OSBORN,
City Clerk of the City of San
Bernardino, and ex-officio Clerk
of the Mayor and Common
Council of said City of San
Bernardino.

[SEAL]

WHEREAS, said proposed amendments so ratified, as hereinbefore set forth, has been and now is duly passed and submitted to the legislature of the State of California for approval or rejection without power of alterations in accordance with section eight, article eleven, of the constitution of the State of California; now, therefore, be it

Approval by legislature.

Resolved by the senate of the State of California, the assembly thereof concurring, The majority of all the members elected to each house voting therefor, and concurring therein, and said amendments to the charter of the city of San Bernardino, as proposed to and adopted and ratified by the electors of said city, and, as hereinbefore fully set forth, be, and the same is hereby approved as a whole without amendment or alteration for and as amendments to and as a part of the charter of said city of San Bernardino.

CHAPTER 51.

Senate Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to the constitution of said state by amending section one and one-quarter of article thirteen, relating to exemptions of property on account of military service.

[Filed with Secretary of State April 25, 1925.]

Resolved by the senate, the assembly concurring, That the legislature of the State of California, at its forty-sixth regular session commencing on the fifth day of January, one thousand nine hundred twenty-five, two-thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes to the people of the State of California that section one and one-quarter of article thirteen of the constitution of this state be amended to read as follows:

Proposed constitutional amendment.

Sec. 1 $\frac{1}{4}$. The property to the amount of one thousand dollars of every resident of 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 who has been released from active duty because of disability resulting from such service in time of peace or under other honorable conditions, 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 the 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 an honorable discharge from said service, or who has been released from active duty because of disability resulting from such service in time of peace or under other honorable conditions, 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

Exemptions of veterans, etc., from taxation.

served in the army, navy or marine corps or revenue marine service of the United States shall be exempt from taxation; *provided*, 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 legal resident of the state; *provided, however*, all real property owned by the Ladies of the Grand Army of the Republic and all property owned by the California Soldiers Widows Home Association shall be exempt from taxation.

CHAPTER 52.

Senate Joint Resolution No. 22—Relating to retirement of federal employees.

[Filed with Secretary of State April 25, 1925.]

Retirement
allowance
of federal
employees.

WHEREAS, A bill known as H. R. eight thousand two hundred two to amend the act entitled "An act for the retirement of employecs in the classified civil service and for other purposes," approved May 22, 1920, failed to pass at the last scssion of congress; and

WHEREAS, The retirement act now enforced allows employecs only the maximum sum of seven hundred twenty dollars per annum, which is insufficient for their maintenance; and

WHEREAS, The sum of two and one-half per cent of the salary of federal employecs is deducted for the purpose of supplying a retirement fund; and

WHEREAS, As the last report shows that the employees during the operation of this act have contributed more than fifty-five million dollars, and after paying annuities there remains a balance of more than thirty-four million dollars; and

WHEREAS, This bill allows employees, after thirty years of service and after reaching the age of sixty-three years, to retire on an annuity of not more than one thousand two hundred dollars per annum; therefore be it

Resolved by the senate and assembly of the State of California, jointly. That the legislature of the State of California does hereby heartily approve and indorse the passage of H. R. eight thousand two hundred two and earnestly request the senators and representatives of California and congress to do all in their power to secure an enactment of this bill; be it further

Resolved, The secretary of the senate be directed to send copies of these resolutions to the senators and representatives of the United States in congress.

CHAPTER 53.

Assembly Constitutional Amendment No. 11—A resolution to propose to the people of the State of California an amendment to the constitution of said state by adding to article nine thereof a new section, to be numbered fourteen, relating to the incorporation, organization, and classification of school districts.

[Filed with Secretary of State April 27, 1925.]

Resolved by the assembly, the senate concurring, That the legislature of the State of California, at its forty-sixth session, commencing on the fifth day of January, one thousand nine hundred twenty-five, two-thirds of the members elected to each of the two houses of said legislature voting therefor, hereby proposes to the people of the State of California that the constitution of said state be amended by adding to article nine thereof a new section, to be numbered fourteen, reading as follows:

Proposed constitutional amendment.

Sec. 14. The legislature shall have power, by general law, to provide for the incorporation and organization of school districts, high school districts, and junior college districts, of every kind and class, and may classify such districts.

Organization and classification of school districts.

CHAPTER 54.

Assembly Constitutional Amendment No. 14—A resolution to propose to the people of the State of California an amendment to section eleven of article twelve of the constitution of the State of California, relating to the issuance of stock or bonds by corporations.

[Filed with Secretary of State April 27, 1925.]

Resolved by the assembly, the senate concurring, That the legislature of the State of California, at its forty-sixth regular session, commencing on the fifth day of January, one thousand nine hundred twenty-five, 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 eleven of article twelve of the constitution of the state be amended so as to read as follows:

Proposed constitutional amendment.

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 at least two-thirds of the amount in value of the stock.

Corporation stock restriction on issue of.

CHAPTER 55.

Assembly Constitutional Amendment No. 16—A resolution to propose to the people of the State of California an amendment to the constitution by adding a new section to article six thereof to be numbered section four and three-fourths, relative to courts of appellate jurisdiction.

[Filed with Secretary of State April 27, 1925.]

Proposed
constitu-
tional
amendment.

Resolved by the assembly, the senate concurring, That the legislature of the State of California, at its forty-sixth regular session, commencing on the fifth day of January, one thousand nine hundred twenty-five, two-thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes to the people of the State of California that the constitution of the State of California be amended by adding to article six thereof, a new section, to be numbered section four three-quarters, and to read as follows:

Findings of
fact by
appellate
court.

Sec. 4 $\frac{3}{4}$. In all cases where trial by jury is not a matter of right or where trial by jury has been waived, the legislature may grant to any court of appellate jurisdiction the power, in its discretion, to make findings of fact contrary to, or in addition to, those made by the trial court. The legislature may provide that such findings may be based on the evidence adduced before the trial court, either with or without the taking of additional evidence by the court of appellate jurisdiction. The legislature may also grant to any court of appellate jurisdiction the power, in its discretion, for the purpose of making such findings or for any other purpose in the interest of justice, to take additional evidence of or concerning facts occurring at any time prior to the decision of the appeal, and to give or direct the entry of any judgment or order and to make such further or other order as the case may require.

CHAPTER 56.

Assembly Constitutional Amendment No. 20—A resolution to propose to the people of the State of California an amendment to the constitution of said state by amending section one of article two of the constitution relating to the right of suffrage.

[Filed with Secretary of State April 27, 1925.]

Proposed
constitu-
tional
amendment.

Resolved by the assembly, the senate concurring, That the legislature of the State of California, at its forty-sixth regular session, commencing on the fifth day of January, one thousand nine hundred twenty-five, two-thirds of all the members elected to each of the two houses voting in favor thereof, hereby proposes to the people of the State of California that section one of article two of the constitution of this state be amended to read as follows:

Section 1. Every native citizen of the United States, every person who shall have acquired the rights of citizenship under or by virtue of the treaty of Queretaro, and every 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, shall be entitled to vote at all elections which are now or may hereafter be authorized by law; *provided*, any person duly registered as an elector in one precinct and removing therefrom to another precinct in the same county within thirty days of an election, shall for the purpose of such election be deemed to be a resident and qualified elector of the precinct from which he so removed until after such election; *provided, further*, no alien ineligible to citizenship, no idiot, no insane person, no person convicted of any infamous crime, no person hereafter convicted of the embezzlement or misappropriation of public money, and no person who shall not be able to read the constitution in the English language and write his or her name, shall ever exercise the privileges of an elector in this state; *provided*, that the provisions of this amendment relative to an educational qualification shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who had the right to vote on October 10, 1911, nor to any person who was sixty years of age and upwards on October 10, 1911; *provided, further*, that the legislature may, by general law, provide for the casting of votes by duly registered voters who, by reason of their occupation, are required to travel and who, by such affidavit as the legislature may prescribe, show that they expect to be absent from their respective precincts on the day on which any primary or general election is held, or who, by reason of their being engaged in the civil, congressional, military or naval service of the United States or of the state, may be absent from their respective precincts on the day on which any primary or general election is held, or who because of injury or disability are absent from their precincts or unable to go to the polling places; which votes (a) may be cast in the office of the registrar of voters, or of the county clerk of the county or city and county in which such voters respectively reside, and on a day prior to the date of such election, under such provisions as the legislature may see fit to make; or (b) may be cast in the city, city and county or town within this state in which such voters may be on the day on which such election is held, under such provisions as the legislature may see fit to make, and shall be forwarded in such manner as the legislature may prescribe to the officers respectively of the city, city and county or town having charge of the counting of the ballots cast at such election; or (c) in cases where said voters are engaged in such military or naval service, may be cast at any

Who are and
who are not
electors.

Absent
voters.

place, under such provisions as the legislature may see fit to make, and shall be forwarded in such manner as the legislature may prescribe to the officers respectively of the city, city and county or town having charge of the counting of the ballots at such election; all of which votes shall be kept in such manner and counted by such methods as the legislature may prescribe; *provided*, that it must be required that all ballots cast in any other place than the precinct of the voter must be received by the county clerk of the county in which the voter is registered, within two weeks of the election, in which such ballots are to be counted.

CHAPTER 57.

Assembly Constitutional Amendment No. 25—A resolution proposing to the people of the State of California an amendment to article six of the constitution of the state, by adding a new section thereto, to be known as section twenty-six of said article, relating to a salary allowance to certain judicial officers upon the termination of their active term of office, and to their eligibility for further judicial duties.

[Filed with Secretary of State April 27, 1925.]

Proposed
constitu-
tional
amendment.

Resolved by the assembly, the senate concurring, That the legislature of the State of California, at its regular session commencing on the fifth day of January, one thousand nine hundred twenty-five, two thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes to the people of the State of California, that article six of the constitution of the State of California be amended by adding to said article six a new section, to be known as section twenty-six of said article six, and to read as follows:

Retirement
of judges on
half pay.

Sec. 26. Any justice of the supreme court, justice of the district court of appeal, or judge of the superior court, of the State of California, having served for a period aggregating not less than twenty-four years as a judge of any one or more of the above named courts, and having attained the age of sixty years, whose active term of office shall have terminated in any manner other than by impeachment, who shall file with the secretary of state a verified statement giving his name, age, residence, length of time served as such judicial officer and the name of the last court of which he was a judge, shall thereafter and during the residue of his natural life, receive from the state a salary equal to one-half of the salary received by him immediately preceding the termination of his active term of office. Said salary shall be payable out of the general fund in the state treasury, monthly, in equal installments on the last day of each month in the same manner as salaries of state offices are payable.

Any judge herein referred to not physically or mentally incapacitated may, if otherwise qualified, sit as judge in any court in which he was eligible to sit immediately preceding the termination of his active term of office, and in any court of record inferior thereto; *provided*, that he shall perform active judicial duties only upon request made in such manner as is now or may hereafter be provided by law. Said judge shall be entitled to receive such compensation while performing active duties, in addition to his salary hereinbefore referred to, as the legislature may by general law prescribe; *provided, further*, that no judge hereinbefore referred to, who shall engage in the practice of the law after the termination of his active term of office, shall be eligible to sit as a judge as herein provided or to receive any salary provided in this section.

Service after retirement.

CHAPTER 58.

Assembly Constitutional Amendment No. 27—A resolution to propose to the State of California an amendment to the constitution of said state by amending section one a of article thirteen thereof relating to the exemption from taxation of colleges and secondary schools accredited to the University of California.

[Filed with Secretary of State April 27, 1925.]

Resolved by the assembly, the senate concurring, That the legislature of the State of California at its forty-sixth regular session commencing on the fifth day of January, one thousand nine hundred twenty-five, two-thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes to the people of the State of California that section one a of article thirteen of the constitution of this state be amended to read as follows:

Proposed constitutional amendment.

Sec. 1a. Any educational institution of collegiate grade, within the State of California, not conducted for profit, and any educational institution of secondary grade, within the State of California not conducted for profit, and which shall be accredited to the University of California, 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.

Exemption of educational institutions from taxation.

CHAPTER 59.

Assembly Constitutional Amendment No. 36—A resolution to propose to the people of the State of California an amendment to the constitution of said state by amending section

eighteen of article eleven thereof, relating to cities, counties and towns.

[Filed with Secretary of State April 27, 1925.]

Proposed
constitu-
tional
amendment.

Resolved by the assembly, the senate concurring, That the legislature of the State of California at its forty-sixth regular session, commencing on the fifth day of January, one thousand nine hundred twenty-five, two-thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes to the people of the State of California that section eighteen of article eleven of the constitution of this state be amended to read as follows:

Restriction
on power to
incur indebt-
edness or
liability.

Sec. 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,* anything to the contrary herein notwithstanding, when two or more propositions for incurring any indebtedness or liability are submitted at the same election, the votes cast for and against each proposition shall be counted separately, and when two-thirds of the qualified electors, voting on any one of such propositions, vote in favor thereof, such proposition shall be deemed adopted; *provided further, 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; *provided, further,* that the city of Venice may pay all of its indebtedness incurred during the years nineteen hundred fourteen, nineteen hundred fifteen and nineteen hundred sixteen in excess of the income and revenue for said years, the amount to be paid in full of said indebtedness not to exceed in the aggregate the sum of sixty thousand dollars, whenever two-thirds of the voters

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 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 60.

Assembly Constitutional Amendment No. 37—Proposed amendment to article thirteen of the constitution, relative to taxation.

[Filed with Secretary of State April 27, 1925.]

Proposed
constitu-
tional
amendment.

Resolved by the assembly, the senate concurring, That the legislature of the State of California at its forty-sixth regular session commencing on the fifth day of January, one thousand nine hundred twenty-five, two-thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes to the people of the State of California that a new section to be called section fifteen is hereby added to article thirteen of the constitution of the State of California, said section to read as follows:

Taxation of
motor trans-
portation
companies.

Sec. 15. Taxes levied, assessed and collected as hereinafter provided upon companies owning, operating or managing any automobile, truck or auto truck, jitney bus, stage or auto stage used in the business of transportation of persons or property as a common carrier for compensation over any public highway in this state between fixed termini or over a regular route, other than busses used exclusively for the transportation of pupils to or from any public school, when owned or operated by the school or school district, shall be entirely and exclusively for highway 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 such companies engaged in the business of transportation of persons, or persons and baggage, or persons and express, or persons, baggage and express where the same is transported on the same automobile, jitney bus, stage or auto stage transporting said persons shall annually pay to the state a tax upon their franchises, cars, equipment, and other property, or any part thereof, used exclusively in the operation of their business in this state, equal to four and one-quarter per cent of the gross receipts from operations of such companies, and each thereof, within this state.

All such companies operating trucks or auto trucks engaged in the business of transporting property shall annually pay to the state a tax upon their franchises, trucks or auto trucks, equipment, and other property, or any part thereof, used exclusively in the operation of their business in this state, equal to five per cent of the gross receipts from operations 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.

Such taxes shall be in lieu of all other taxes and licenses, state, county and municipal, upon the property above enumerated of such companies; *provided*, that nothing herein shall be construed to release any such company from the payment of any amount to be paid or required by law to be paid for any special privilege or franchise heretofore granted by any of the municipal authorities of this state.

The revenues from the taxes provided for in this section shall be deposited in the general fund and shall be applied and the same are hereby appropriated one-half to the State of California to be devoted exclusively to the maintenance and repair of public highways within this state; the remaining one-half shall be apportioned among the respective counties of this state, in the proportion that the number of motor vehicles registered within such county for the preceding calendar year bears to the total number of motor vehicles registered in the State of California under the motor vehicle act of such state for the preceding year, and such sums so paid to said counties shall be devoted exclusively to the maintenance and repair of public highways within such county. In the event that all other state revenues are at any time deemed insufficient to meet the annual expenditures of the state, 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 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 on the first day of October, one thousand nine hundred twenty-five. The taxes so paid for principal and interest on such bonded indebtedness shall be deducted from the total amount paid in taxes hereunder.

Tax to
meet deficit.

(b) 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 the 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 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.

(c) 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 a manner and at such time as may now or hereafter be provided by law.

CHAPTER 61.

Assembly Concurrent Resolution No. 19—Relative to the policy and practice of renting or leasing the exclusive right to hunt wild game or game birds on state lands, by-passes, drainage, levee, or protection districts or other properties of this state to persons, clubs or corporations.

[Filed with Secretary of State April 27, 1925.]

Hunting
rights on
state lands.

WHEREAS, It is of public interest to preserve the exclusive right to hunt wild game or game birds on state lands and other properties under the control and jurisdiction of the State of California, in the interest of the people of this state; and

WHEREAS, The practice of leasing such privileges by any department or agency of this state to persons, clubs or corporations is not in accord with the established principle that the ownership of the wild game of this state is vested in the people and held in trust by the state for the benefit of all the people; now, therefore, be it

Resolved by the assembly, the senate concurring, That said rights of the citizens of the state to hunt on the public lands of the state should be preserved by the several departments or agencies of this state to the end that all citizens shall have the same and equal right to hunt on such lands.

CHAPTER 62.

Assembly Concurrent Resolution No. 21—Relative to inviting the President of the United States to visit the site of the Boulder canyon dam, the Imperial valley, and southern California.

[Filed with Secretary of State April 27, 1925.]

President
invited to
visit Cal-
ifornia, etc.

WHEREAS, The Boulder canyon project is of paramount interest to southern California and the entire southwest; and

WHEREAS, The second million of population is now on its way to Los Angeles, and the present water supply will be inadequate to satisfy their industrial and domestic needs; and

WHEREAS, There are great areas of land in the Imperial valley which are blessed with marvelous fertility and the wonderful climate of southern California, and need only the

water which would be made available by the Boulder canyon dam to burst forth into abundant productivity; and

WHEREAS, The President will be better able to recommend the ratification of the compact and the completion of the project when he is personally more familiar with the vast importance of the project and the marvelous development which it will make possible in southern California; now, therefore, be it

Resolved by the assembly, the senate concurring, That the legislature of the State of California does hereby invite His Excellency Calvin Coolidge, President of the United States, to visit the site of the Boulder canyon dam, the Imperial valley, and the great State of California.

Resolved, That copies of these resolutions be forwarded to the President of the United States, to the secretary of war, president of the senate, speaker of the house, to members of the rivers and harbors committee of the house of representatives, to the members of the appropriate committee of the United States senate and to each of the senators and representatives in congress from the State of California.

CHAPTER 63.

Assembly Concurrent Resolution No. 24—Relative to leaves of absence of the governor, lieutenant governor and the members of the senate and assembly of the forty-sixth session of the legislature of the State of California.

[Filed with Secretary of State April 27, 1925.]

Resolved by the assembly, the senate concurring, That leave of absence from the State of California for a longer period than sixty days, during their term of office, is hereby granted to His Excellency, Friend Wm. Richardson, governor of the State of California; to C. C. Young, lieutenant governor of the State of California; and to the following members of the senate and assembly of the forty-sixth session of the legislature of the State of California:

Senators Newton M. Allen, C. C. Baker, Frank S. Boggs, Arthur H. Breed, Victor J. Canepa, Harry A. Chamberlin, E. H. Christian, John Creighton, John J. Crowley, Lewis L. Dennett, H. J. Evans, Roy Fellom, Dr. W. F. Gates, P. J. Gray, Fred C. Handy, M. B. Harris, J. J. Hollister, Edgar S. Hurley, Thomas Ingram, J. M. Inman, A. Burlingame Johnson, M. B. Johnson, Herbert C. Jones, Chester M. Kline, Charles H. V. Lewis, Charles W. Lyon, Thomas A. Maloney, Daniel C. Murphy, H. C. Nelson, Joseph L. Pedrotti, F. J. Powers, Benjamin F. Rush, Ed. P. Sample, Will R. Sharkey, Herbert W. Slater, Ralph E. Swing, Cadet Taylor, Tallant Tubbs, T. C. West, Wm. S. Young.

Assemblymen E. G. Adams, D. P. Anderson, Roscoe J. Anderson, Willard E. Badham, Van Bernard, Archibald E. Brock, Miss Esto B. Broughton, Maurice B. Browne, Joseph

Leaves of
absence
granted
certain state
officers.

F. Burns, William M. Byrne, Edgar O. Campbell, Henry E. Carter, George C. Cleveland, Harold C. Cloudman, Frank L. Coombs, Bradford S. Crittenden, J. Croter, Howard W. Davis, F. E. Dayton, Charles H. Deuel, H. E. Dillinger, Thomas L. Dodge, Mrs. Grace S. Dorris, Walter H. Duval, Robert P. Easley, Frank L. Eksward, A. C. Finney, Charles A. Foster, Robert B. Fry, Sidney T. Graves, S. C. Hartranft, Frederick C. Hawes, S. L. Heisinger, William B. Hornblower, Leland R. Jacobson, Frank Johnson, Isaac Jones, Wm. P. Jost, Edgar C. Levey, Walter J. Little, Tom H. Louttit, Harry Lyons, M. J. McDonough, Herbert McDowell, Robert B. McPherson, Charles B. Melville, Frank F. Merriam, Miss Eleanor Miller, James A. Miller, Thomas A. Mitchell, Frank W. Mixer, Harry F. Morrison, Edwin A. Mueller, J. J. Murphy, Alfred C. Murray, Roy J. Nielsen, Fred B. Noyes, Charles A. Oliva, Mark A. Pierce, Charles F. Roindollar, Frederick Madison Roberts, Eugene W. Roland, Albert A. Rosenshine, John W. Runner, Mrs. Anna L. Saylor, Walter J. Schmidt, Jerome V. Scofield, Hubert B. Scudder, Harry F. Sewell, Edward J. Smith, C. C. Spalding, Homer R. Spence, Byron J. Walters, Frank C. Weller, N. V. Wemple, Percy G. West, Ray Williamson, Mrs. Cora M. Woodbridge, S. V. Wright, T. M. Wright.

CHAPTER 64.

Assembly Concurrent Resolution No. 25—Approving certain amendments to the charter of the city of Chico, county of Butte, State of California, voted for and ratified by the electors of said city of Chico at a general municipal election held therein on the thirteenth day of April, 1925.

[Filed with Secretary of State April 27, 1925.]

Chico city
charter
amendments.

WHEREAS, The city of Chico in the county of Butte, State of California, has at all times mentioned herein been, and now is a municipal corporation of the State of California, containing a population of more than three thousand five hundred inhabitants, and is now and has been ever since the sixteenth day of April, 1923, organized, existing and acting under a freeholders' charter adopted under and by virtue of section eight, article eleven, of the constitution of the State of California, which charter was duly ratified by the qualified electors of said city at an election held for that purpose on the fifteenth day of December, 1921, and approved by the legislature of the State of California, on the third day of February, 1923; and

WHEREAS, The legislative body of said city, namely, the council of said city, did pursuant to provisions of section eight, article eleven, of the constitution of the State of California, by ordinance adopted the twentieth day of February, 1925, and duly published in the manner and form as required by law, duly propose to the qualified electors of the city of Chico, certain amendments to the charter of said city, and order that said amendments be submitted to said qualified electors of

said city at the general municipal election to be held in said city on the thirteenth day of April, 1925, the date of which said election is fixed by said charter of said city of Chico referred to hereinbefore, and which said date was fixed in said ordinance as the date for the voting upon the said amendments as proposed; and

WHEREAS, Said proposed amendments were published in the "Chico Enterprise," a newspaper of general circulation printed and published in the city of Chico, and having a general circulation therein, the said paper being the official paper of the city of Chico, for the time and in the manner prescribed by section eight of article eleven of the constitution of the State of California, and copies of said proposed amendments to said charter were printed in convenient pamphlet form, and from the date of the first publication of said proposed amendments aforesaid, until the date fixed for the election of said charter amendments, the legislative body of said city of Chico, to wit, the council, caused to be published in said "Chico Enterprise," said official newspaper of the city of Chico, and a newspaper of general circulation printed and published in said city of Chico, a notice that copies of said proposed amendments to said charter could be had at the office of the city clerk of the city of Chico upon application therefor; and

WHEREAS, Said general municipal election was duly and regularly held on said thirteenth day of April, 1925, and at said election the said proposed amendments to said charter were voted upon by the qualified electors of said city of Chico, and at said election a majority of qualified electors voting thereon, voted in favor of ratifying and did ratify the following proposed amendments to said charter, said proposed amendments so ratified being in words and figures as follows, to wit:

1. That Section Two (2), Article One (1) of the Charter of the City of Chico be amended to read as follows, to-wit:

2. The boundaries of the City of Chico are hereby recited **Boundaries.** to be as follows:

Beginning at the intersection of the northerly line of First Street with the westerly line of Oak Street of the City of Chico, according to the official map thereof on file in the office of the County Recorder of Butte County; thence running easterly along the northerly line of First Street to the westerly right of way line of the Southern Pacific Railroad; thence northerly along said right of way line of the Southern Pacific Railroad to the southerly bank of Big Chico Creek; thence easterly along the southerly bank of Big Chico Creek to the easterly line of the right of way of the Southern Pacific Railroad; thence running northwesterly along the easterly line of said right of way of the Southern Pacific Railroad to the center line of Sacramento Avenue; running thence north-easterly along said line of Sacramento Avenue to the center line of Chestnut Street of Chico Vecino; running thence

northwesterly along said line of Chestnut Street to the center line of First Avenue; running thence northeasterly along said line of First Avenue to the center line of North Ivy Street of the Klondike Addition to Chico; running thence northwesterly along said line of said North Ivy Street to the center line of Sixth Avenue of the said addition; running thence northeasterly along said line of said Sixth Avenue to the center line of Arcadian Avenue of Chico Vecino; running thence northwesterly along said line of Arcadian Avenue to the center line of Seventh Avenue of Chico Vecino; running thence northeasterly along said line of Seventh Avenue to the center line of the Esplanade; running thence southeasterly along said line of the Esplanade to the center line of Sixth Avenue; running thence northeasterly along said line of Sixth Avenue to the center line of Laburnum Avenue; running thence southeasterly along said line of Laburnum Avenue to the center line of Fourth Avenue; running thence northeasterly along said line of Fourth Avenue to the center line of Spruce Avenue; running thence southeasterly along said line of Spruce Avenue to the center line of Third Avenue; running thence northwesterly along said line of Third Avenue to the easterly line of that certain alley that runs through Block 9 and 10 of the 14th Subdivision of the John Bidwell Rancho; running thence southeasterly along said line of said alley to the center line of First Avenue; running thence southwestwardly along said line of First Avenue to the center line of Palm Avenue; running thence southeasterly along the center line of Palm Avenue produced to the northerly line of the Chico Cemetery; running thence easterly along said northerly line of the said cemetery to the northeasterly corner thereof; running thence southerly along the easterly line of the said cemetery to the southeasterly corner thereof; running thence westerly along the southerly line of the said Cemetery to the center line of the Cemetery Lane, said lane being that certain county road running north and south and connecting Sierra Avenue of the City of Chico with the aforesaid cemetery, being also a well known and established county road; running thence south along said center line of said lane to the southerly line of Vallambrosa Avenue, said avenue being an official county road and running along and adjoining the northerly line of Bidwell Park; Bidwell Park being that certain tract of land conveyed by Annie E. K. Bidwell to the City of Chico, dated July 10th, 1905, recorded in Book 83, page 41, of Deeds, in the records of Butte County; following thence easterly along the southerly line of said road and the northerly line of said park to the easterly end of the twenty-second course as set forth in said deed, said course reading, north 54 degrees 00 minutes east, 2707.0 feet; said point being also known as station 23 of the said park survey; being opposite and near the corner common to lots 32 and 33 of the 19th Subdivision of the John Bidwell Rancho; thence leaving the said southerly line of the said

Vallambrosa Avenue and following the said northerly boundary of the said park the following courses and distances:

South 21 degrees 07 minutes east, 678.0 feet; thence curving to the left on the arc of a circle with a radius of 50.0 feet a distance of 78.5 feet; thence north 68 degrees 53 minutes east, 117.0 feet; thence curving to the right on the arc of a circle with a radius of 100.0 feet a distance of 117.1 feet; thence curving to the left on the arc of a circle with a radius of 235.0 feet a distance of 708.2 feet; thence north 36 degrees 40 minutes west, 199.7 feet; thence curving to the right on the arc of a circle with a radius of 100.0 feet a distance of 73.2 feet; thence north 5 degrees 15 minutes east, 483.9 feet; thence curving to the right on the arc of a circle with a radius of 1400.0 feet a distance of 490.8 feet; thence north 25 degrees 20 minutes east, 291.6 feet; thence north 38 degrees 02 minutes west, 294.6 feet; to the southerly line of Vallambrosa Avenue; thence following easterly along the said line of Vallambrosa Avenue, said line being also the northerly line of the said park, to the northeasterly corner of the 19th Subdivision of the John Bidwell Rancho, said point being also known as station 39 of the Bidwell Park survey; thence running at right angles to the northerly boundary of the said 19th Subdivision, north 21 degrees 03 minutes east, 60.0 feet to the northerly line of that certain county road which runs along and adjoins the said northerly boundary of the said 19th Subdivision of the John Bidwell Rancho and the northerly boundary line of the 18th Subdivision of the said rancho; running thence westerly along said line of said road to its intersection with the northerly line of the said park; said point being north 40 degrees 10 minutes east, 61.0 feet from station 40 of said park survey; running thence along the said northerly boundary line of the said park north 40 degrees 10 minutes east, 715.6 feet to station 41 of the said survey; thence north 55 degrees 34 minutes east, 1120.0 feet to Station 42 of the said survey; said point being also the point of beginning mentioned in that certain deed describing a certain addition to the aforesaid Bidwell Park, conveyed by Annie E. K. Bidwell to the City of Chico, dated May 11th, 1911, and recorded in Book 169, page 146, of Deeds, Butte County Records; following thence along a line as described in said last mentioned deed, said line being the northerly line of the said lands as described in said last mentioned deed, north 50 degrees 45 minutes east, 6522.0 feet; thence north 78 degrees 24 minutes east, 1632.0 feet; thence north 82 degrees 02 minutes east, 2431.0 feet; thence north 61 degrees 06 minutes east, 3074.5 feet; thence north 34 degrees 08 minutes east, 6328.0 feet; thence north 44 degrees 45 minutes east, 4219.0 feet to a point on the northerly line of the Rancho Chico, said point being also Station 54 of the said Bidwell Park survey, said point being also mentioned in the last mentioned deed; running thence easterly along the north line of the said Rancho Chico 2000.0 feet to the northeasterly corner

of the said Rancho Chico in the center of Big Chico Creek, meandering thence down the center line of said creek to its intersection with the line dividing the north and south half of the southeast quarter of Section 9, Township 22 north, Range 2 east; running thence along said dividing line east 1915.0 feet to the edge of a bluff along the south side of Big Chico Canyon; thence following said edge of said bluff the following courses and distances; south 63 degrees 30 minutes west, 4580.0 feet, south 85 degrees 20 minutes west, 1760.0 feet; south 75 degrees 00 minutes west, 1400.0 feet; north 15 degrees 00 minutes west, 240.0 feet to a point near the south bank of Big Chico Creek; thence south 75 degrees 00 minutes west, 1550.0 feet to the northwesterly corner of the 21st Subdivision of the John Bidwell Rancho, said point being also Station 76 of the Bidwell Park Survey; following thence in a southerly and westerly direction along the northerly line of the said 21st Subdivision, said line being also the southerly line of the aforesaid Bidwell Park, to its intersection with the northerly line of Centennial Avenue; thence westerly along said northerly line of Centennial Avenue to its intersection with the production of the easterly boundary line of the State Forestry; running thence westerly and following the easterly and northerly line of the said Forestry, said line being also the southerly line of the said park, to the northwesterly corner of the said Forestry, being also Station 114 of the said Bidwell Park survey; running thence along the said park line the following courses and distances; south 16 degrees 36 minutes east, 20.0 feet; thence north 78 degrees 52 minutes west, 70.7 feet; thence north 89 degrees 15 minutes west, 201.5 feet; thence curving to the left on the arc of a circle with a radius of 400.0 feet a distance of 120.1 feet; thence south 73 degrees 33 minutes west, 324.2 feet; thence curving to the left on the arc of a circle with a radius of 250.0 feet a distance of 135.3 feet; thence south 42 degrees 33 minutes west, 155.7 feet; thence south 35 degrees 08 minutes, west 208.02 feet; thence curving to the left on the arc of a circle with a radius of 500.0 feet, a distance of 158.2 feet; thence south 17 degrees 00 minutes west, 368.2 feet; thence south 7 degrees 13 minutes west, 612.0 feet; thence south 22 degrees 52 minutes west, 129.0 feet; thence south 29 degrees 45 minutes west, 235.0 feet; thence south 38 degrees 22 minutes east, 190.0 feet; thence south 51 degrees 38 minutes west, 402.0 feet; thence south 59 degrees 04 minutes west, 444.5 feet to the easterly line of Tulip Street of the 13th Subdivision of the John Bidwell Rancho, said point being also the easterly end of the northerly line of Woodland Avenue of the said subdivision; thence southerly along the easterly line of Tulip Street to the center line of Eighth Street, formerly known as Centennial Avenue; thence westerly along the center line of Eighth Street to the center line of Alder Street, formerly Sierra Street of the Ninth Subdivision of the John Bidwell Rancho; thence southerly

along the center line of said Alder Street to the center of Little Chico Creek; thence meandering up the center of Little Chico Creek to its intersection with the easterly line of Chapman's North Addition to the City of Chico; thence southerly along the easterly line of Chapman's North Addition and the easterly line of Chapman Town to the intersection of said line with the center line of Irwin Street; thence easterly along the center line of Irwin Street to the center line of "C" Street of the Aisthorp Tract; thence southerly along the center line of "C" Street to the center line of 19th Street, formerly known as Cave Street of the Baker, Jones and Smith Subdivision; thence westerly along the center line of Cave Street to the center line of Laurel Street; thence southeasterly along the center line of Laurel Street to the center line of that certain alley, being the first alley northerly from Boucher Street of Henry's Second Addition to Chico; thence westerly along the center line of that certain alley to the center line of Mulberry Street; thence southeast along the center line of Mulberry Street to the center line of 20th Street, formerly known as Eighth Street of the Mulberry Tract; thence southwest along the center line of Eighth Street to the easterly line of Park Avenue; thence southeasterly along the easterly line of Park Avenue to its intersection with the most southerly line of the Fruitvale Additions produced; thence southwest along said southerly line of Fruitvale Additions to the southwest corner of said additions; thence northerly along the westerly line of said additions to the southerly line of South Sycamore Street of Barber's Addition to the City of Chico; thence northwesterly along said line of South Sycamore Street to its intersection with the southerly line of Block 21 to Barber's Addition to the City of Chico; thence along the southerly line of Block 21 and its production, which is the southerly line of Barber's Addition to Chico to a point one hundred (100) feet southeasterly from the intersection of the southeasterly line of Del Norte with said southerly line of Barber's Addition; thence running in a straight line to a point on the southerly line of Del Norte thirty (30) feet westerly from the intersection of said line with the southerly line of Barber's Addition to the City of Chico; thence in a straight line to the southwest corner of Block 22 of Barber's Second Addition to the City of Chico, which is on the northerly line of the property of the Diamond Match Company; thence running northwesterly along said northerly line of the property of the Diamond Match Company to the northerly corner thereof; thence running southwest along the northwesterly line of the property of the Diamond Match Company to its intersection with the westerly line of Thomasson's Addition to the City of Chico; thence northwesterly along the westerly line of said Thomasson's Addition to the center of Little Chico Creek; thence meandering down the center of Little Chico Creek to the center line of the Dayton Road; thence southerly along the center line of the Dayton

Road to the southerly line of Deveney's Addition to Chico; thence northerly along the southerly line of said Deveney's Addition to the City of Chico, to the southwesterly corner thereof; thence running in a straight line to a point in Little Chico Creek, which point is located by the intersection of the center line of Little Chico Creek and a line parallel to the westerly line of Oak Street drawn southerly from the westerly corner of Block 11 of Kemp's Addition to the City of Chico; thence northerly and parallel to the westerly line of Oak Street to the westerly corner of Block Eleven (11) of Kemp's Addition to the City of Chico, thence northwesterly along the westerly boundary of Kemp's Addition to the City of Chico to a point on said line 246.3 feet southerly from the southerly line of Fifth Street; thence southwesterly and parallel to the southerly line of Fifth Street to the northerly line of the right of way of the Sacramento Northern Railroad, formerly known as the Northern Electric Railroad; thence westerly along said northerly line of said right of way to its intersection with the production of the westerly line of Bryant's Addition of the City of Chico; thence northerly along said westerly line of Bryant's Addition to the City of Chico to the westerly line of Oak Street of said city, aforementioned; thence northerly along said westerly line of Oak Street to the point of beginning.

II. That Sections Thirty-four (34), Thirty-six (36), Forty-one (41), Forty-three (43) and Forty-four (44), Article Five (5) of said Charter be amended to read as follows, to-wit:

Annual
financial
estimate.

Section 34. The Estimate: The fiscal year of the city shall begin on the 1st day of July and end on the 30th day of June at midnight. On or before the second Tuesday in June of each year the Manager shall submit to the Council an estimate of the revenues and expenditures of the city departments for the ensuing year. This estimate shall be compiled from detailed information obtained from the several departments, on blanks to be furnished by the City Manager. The classification of the estimate of expenditures shall be as nearly uniform as possible for all departments, and shall give the following information:

Appropriation
ordinance.

Section 36. Appropriation Ordinance: Upon receipt of such estimate, the Council shall prepare and publish once in a newspaper of general circulation, printed and published in said City, and designated by the Council for that purpose, a tentative appropriation ordinance, shall fix a time and place for holding a public hearing upon the same not less than ten days after such publication and shall give public notice of such hearing, but shall not pass the final appropriation ordinance earlier than ten days after such public hearing, and when said final appropriation ordinance is passed, it shall be published one time in the same, or a similar newspaper designated by the Council and shall become effective upon completion of such publication.

Tax rate.

Section 41. The Tax Rate Fixed: After approval by the Board of Equalization, the tax roll shall be certified by the Clerk and shall be subject to no further alteration. It shall

then be delivered to the Clerk, who shall, within ten days, ascertain and certify to the Council the total valuation of real estate, improvements and personal property. The Council, in view of this and the estimate of income and expenses submitted by the Manager, shall, on the Second Tuesday in July of each year, proceed to fix the rate of taxation for the coming year and to apportion the estimated proceeds thereof to the several purposes indicated in the budget.

Section 43. Time of Payment of Taxes: The taxes so levied shall become due and payable the first Monday in September of each year and become delinquent the last Monday in December of each year, and delinquent taxes shall bear a penalty of fifteen per cent of the amount delinquent. Time for
payment.

Section 44. Collection: After completion of the tax roll, the Clerk shall deliver the roll to the Collector, who shall prepare a bill of taxes due from each tax payer owning real property, on which shall be shown the valuation of each parcel of such owners' property, whether real estate, improvements, or personal property, the rate of assessment, the total amount due on each parcel, with the dates when due and when delinquent, and the penalties for delinquencies; and not later than the 25th day of August, the tax collector shall mail to each tax payer, or to his authorized agent, whose address is known to him, a duplicate of said bill and shall receive and receipt for all taxes and penalties paid, and shall then return the tax roll to the Clerk. The Tax Collector shall note upon the tax roll all collections as made, and make a daily report to the Clerk of the amount collected, and make daily deposit of the same with the Treasurer. Collection.

and

WHEREAS, The council of said city of Chico, in accordance with law in such cases made and provided, and in accordance with and in pursuance of the charter of said city, did meet on Tuesday the fourteenth day of April, 1925, at their usual place of meeting, and duly canvassed the returns of said election as certified by the election board, and duly found, determined and declared that the majority of the qualified electors of said city voting thereon, had voted for and ratified each of the amendments to the charter of the city of Chico particularly set forth hereinabove and alleged to have been so ratified; and

WHEREAS, That the foregoing is true is shown by the certificate of C. C. Richardson, mayor of the said city of Chico, and Ira R. Morrison, clerk of said city, which said certificate is in words and figures as follows, to wit:

State of California	}	
County of Butte,	}	ss
City of Chico	}	

THIS IS TO CERTIFY that we, C. C. RICHARDSON, mayor of the city of Chico, and IRA R. MORRISON, clerk of the city of Chico, have compared the foregoing proposed and ratified amendments to the charter of the city of Chico with the original resolution, ordinance and proclamation proposing Certificate.

such amendments and submitting the same to the qualified electors of said city of Chico at a general municipal election held April 13th, 1925, and find that the foregoing is a full, true, correct and exact copy of said amendments.

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 Chico to be attached this 14th day of April, 1925.

C. C. RICHARDSON,
Mayor of the City of Chico.

IRA R. MORRISON,

City Clerk of the City of Chico.

[SEAL]

and

Approval by
legislature.

WHEREAS, The said 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 the power of alteration or amendment, in accordance with section eight of article eleven of the constitution of the State of California; now, therefore, be it

Resolved by the assembly, the senate concurring, a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein, That the said amendments to the said charter of the said city of Chico herein set forth, as presented and submitted to and adopted and ratified by the qualified electors of the said city of Chico, be, and the same are hereby approved as a whole for and as amendments to the said charter of the said city of Chico.

CHAPTER 65.

Assembly Concurrent Resolution No. 26—Relating to the compilation or codification of the laws of California.

[Filed with Secretary of State April 27, 1925.]

Compilation
or recodifica-
tion of laws.

WHEREAS, There appears to be a serious need for the compilation or complete codification of the laws of the State of California; now, therefore, be it

Resolved by the assembly, the senate concurring, That the legislative counsel be and he hereby is instructed and directed to make a study of the methods used in the compilation and codification of the laws of the other states, and present and submit a report to the legislature embodying an outline of the various methods used, together with his comments, suggestions and recommendations in regard to the applicability of these methods to a compilation or complete codification of the laws of the State of California.

CHAPTER 66.

Assembly Concurrent Resolution No. 27—Relating to an invitation to be extended to the National Conference on State Parks to hold its next regular convention in the State of California.

[Filed with Secretary of State April 27, 1925.]

WHEREAS, California has always been a leading state in all matters pertaining to park legislation; and

National
conference
on state
parks.

WHEREAS, California is a state of surpassing natural beauty; and

WHEREAS, The parks of this state are an inspiration to any person interested in work of this character; and

WHEREAS, The California State Parks Association has rendered invaluable service to the state in its constant and effective encouragement of all matters pertaining to park development; now, therefore, be it

Resolved by the assembly, the senate concurring, That the legislature of the State of California does hereby invite the National Conference on State Parks to hold its next regular convention in the State of California; and be it further

Resolved, That the chief clerk of the assembly be directed to send a copy of these resolutions to Judge John Barton Payne, of Washington, D. C., chairman of the National Conference on State Parks.

CHAPTER 67.

Assembly Joint Resolution No. 5—Relative to the adoption of an amendment to the constitution of the United States in reference to the levy and collection of taxes on incomes derived from securities issued under the authority of the United States or of any state.

[Filed with Secretary of State April 27, 1925.]

WHEREAS, Owing to the issuance of securities in large amounts, the interest or income on which is exempt from taxation, the burdens of taxation have become inequitably distributed; and

Tax exempt
securities.

WHEREAS, The advisability and urgency of an amendment to the constitution of the United States prohibiting the issuance of securities, the interest or income derived from which is now exempt from taxation, is very great; and

WHEREAS, On the fifth day of December, A. D. 1923, there was introduced into the first session of the sixty-eighth congress, House Joint Resolution No. 1, proposing an amendment to the constitution of the United States, giving unto the United States and to each state the power to lay and collect taxes on incomes derived from securities issued, after the ratification of such amendment, by or under authority of the United States or any of the states; now, therefore, be it

Resolved by the assembly and senate, jointly, That the legislature of the State of California urge upon the congress of the United States that it submit to the legislatures of the several states such an amendment to the constitution as that contemplated by the said House Joint Resolution No. 1, of the first session of the sixty-eighth congress when such resolution has been amended to read as follows: "giving unto the United States the power to lay and collect taxes on incomes derived from securities issued, after the ratification of such amendment, by or under authority of any of the states, and to each state the power and authority to lay and collect taxes on the value of securities issued, after the ratification of such amendment, by or under authority of the United States, or in lieu of such taxes upon value to lay and collect taxes on the income derived from such securities"; and be it further

Resolved, That the secretary of the senate and the chief clerk of the assembly be and are hereby directed to forward copies of these resolutions to the President of the United States and to each of California's senators and representatives in congress.

CHAPTER 68.

Relating to requesting the presence of the United States fleet at San Francisco during the diamond jubilee celebration of the admission of California into the union.

[Filed with Secretary of State April 27, 1925.]

Naval representation at diamond jubilee celebration.

WHEREAS, The State of California will celebrate the seventy-fifth anniversary of the admission of California into the union in San Francisco on the fifth to ninth of September, one thousand nine hundred twenty-five; and

WHEREAS, The admission of California into the union began an epoch of great importance to the United States; and

WHEREAS, It is fitting that the United States be adequately represented at such celebration; therefore be it

Resolved by the assembly and senate of the State of California, jointly, That the secretary of navy be requested to issue orders for the presence of the United States fleet, or a representative portion thereof, and the airships Shenandoah and Los Angeles at the port of San Francisco during the diamond jubilee celebration, September fifth to ninth, inclusive, one thousand nine hundred twenty-five; and be it further

Resolved, That the chief clerk of the assembly is hereby directed to send a copy of these resolutions to the President of the United States and to the secretary of the navy.

CHAPTER 69.

Senate Constitutional Amendment No. 20—A resolution to propose to the people of the State of California an amendment to the constitution of said state by adding section two and three-fourths to article two of said constitution, relating to election to nonpartisan office at a primary election.

[Filed with Secretary of State April 27, 1925.]

Resolved by the senate, the assembly concurring, That the legislature of the State of California, at its forty-sixth regular session, commencing on the fifth day of January, one thousand nine hundred twenty-five, two thirds of all the members elected to each of the two houses voting in favor thereof, hereby proposes to the people of the State of California that a new section be added to article two of the constitution of this state to be numbered section two and three-fourths, and to read as follows:

Proposed constitutional amendment.

Sec. 2 $\frac{3}{4}$. Any candidate for a judicial, school, county, township, or other nonpartisan office who at a primary election shall receive votes on a majority of all the ballots cast for candidates for the office for which such candidate seeks nomination, shall be elected to such office. Where two or more candidates are to be elected to a given office and a greater number of candidates receive a majority than the number to be elected, those candidates shall be elected who secure the highest votes of those receiving such majority, and equal in number to the number to be elected. Where a different method of election is provided by a frecholders' charter, the charter provision shall govern.

Election to nonpartisan office at primary.

CHAPTER 70.

Senate Constitutional Amendment No. 23—A resolution to propose to the people of the State of California an amendment to the constitution of said state by amending section nineteen of article five thereof, relating to the compensation of executive officers.

[Filed with Secretary of State April 27, 1925.]

Resolved by the senate, the assembly concurring, That the legislature of the State of California at its forty-sixth regular session commencing on the fifth day of January, one thousand nine hundred twenty-five, two-thirds of all the members elected to each of the two houses voting in favor thereof, hereby proposes to the people of the State of California that section nineteen of article five of the constitution be amended to read as follows:

Proposed constitutional amendment.

Sec. 19. The governor, lieutenant governor, secretary of state, controller, treasurer, attorney general, surveyor general and superintendent of public instruction shall, at stated times during their continuance in office, receive for their services a

Compensation of state officers.

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 per annum, the secretary of state, controller, treasurer, and surveyor general, seven thousand dollars each per annum, the attorney general and the superintendent of public instruction, eight thousand dollars each 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. The legislature may, in its discretion, abolish the office of surveyor general; and none of the officers hereinbefore named shall receive for their own use any fees or perquisites for the performance of any official duty.

CHAPTER 71.

Senate Constitutional Amendment No. 24—A resolution to propose to the people of the State of California an amendment to section thirty-one of article four of the constitution of the State of California relating to the giving or lending of public credit.

[Filed with Secretary of State April 27, 1925.]

Proposed
constitu-
tional
amendment.

The legislature of the State of California, at its regular session commencing on the fifth day of January, one thousand nine hundred twenty-five, two-thirds of the members elected to each of the two houses of the legislature voting in favor thereof, hereby proposes an amendment to section thirty-one of article four of the constitution of the State of California to read as follows:

Gift or loan
of state or
municipal
credit.

Sec. 31. The legislature shall have no power to give or to lend, or to authorize the giving or lending, of the credit of the state, or of any county, city and county, city, township or other political corporation or subdivision of the state now existing, or that may be hereafter established, in aid of or to any person, association, or corporation, whether municipal or otherwise, or to pledge the credit thereof, in any manner whatever, for the payment of the liabilities of any individual, association, municipal or other corporation whatever; nor shall it have power to make any gift or authorize the making of any gift, of any public money or thing of value to any individual, municipal or other corporation whatever; *provided*, that nothing in this section shall prevent the legislature granting aid pursuant to section twenty-two of this article; and it shall not have power to authorize the state, or any political subdivision thereof, to subscribe for stock, or to become a stockholder in any corporation whatever; *provided, further*, that

irrigation districts for the purpose of acquiring the control of any entire international water system necessary for its use and purposes, a part of which is situated in the United States, and a part thereof in a foreign country, may in the manner authorized by law, acquire the stock of any foreign corporation which is the owner of, or which holds the title to the part of such system situated in a foreign country; *provided, further*, that irrigation districts for the purpose of acquiring water and water rights and other property necessary for their uses and purposes, may acquire and hold the stock of corporations, domestic or foreign, owning waters, water rights, canals, waterworks, franchises or concessions subject to the same obligations and liabilities as are imposed by law upon all other stockholders in such corporations; and

Provided, further, that nothing contained in this constitution shall prohibit the use of state money or credit, in aiding veterans who served in the military or naval service of the United States during time of war, in the acquisition of, or payments for, farms or homes, or in projects of land settlement or in the development of such farms or homes or land settlement projects for the benefit of such veterans. Veterans' aid.

The California veterans' welfare bond act of 1921 (statutes of 1921, chapter 578), as enacted at the forty-fourth session of the legislature of the State of California, authorizing the issuance and sale of state bonds in the sum of ten million dollars, for the purpose of creating a fund to carry out the provisions of the California veterans' welfare act, providing land settlement for veterans (statutes of 1921, chapter 580), and the provisions of the "veterans' farm and home purchase act." providing farm and home aid for veterans (statutes of 1921, chapter 519) is hereby approved, adopted, legalized, validated and made fully and completely effective irrespective of the vote that may be cast upon the proposition of approving or disapproving such veterans' welfare bond act of 1921 at the general election of November 7, 1922. All provisions of this section shall be self-executing and shall not require any legislative action in furtherance thereof, but this shall not prevent such legislative action.

And provided, still further, that notwithstanding the restrictions contained in this constitution, the treasurer of any city, county, or city and county shall have power and it shall be his duty to make such temporary transfers from the funds in his custody as may be necessary to provide funds for meeting the obligations incurred for maintenance purposes by any city, county, city and county, district, or other political subdivision whose funds are in his custody and are paid out solely through his office. Such temporary transfer of funds to any political subdivision shall be made only upon resolution adopted by the governing body of the city, county, or city and county directing the treasurer of such city, county, or city and county to make such temporary transfer. Such temporary transfer of funds to any political subdivision shall not exceed eighty- Transfer of funds.

five per cent of the taxes accruing to such political subdivision, shall not be made prior to the first day of the fiscal year nor after the last Monday in April of the current fiscal year, and shall be replaced from the taxes accruing to such political subdivision before any other obligation of such political subdivision is met from such taxes.

CHAPTER 72.

Senate Constitutional Amendment No. 39—A resolution to propose to the people of the State of California an amendment to the constitution of said state, by adding to article sixteen thereof a new section to be numbered four, authorizing the issuance and sale of eight thousand five hundred bonds of the State of California in the denomination of one thousand dollars each, authorizing the disposition of the proceeds of the sale of said bonds for certain purposes, and approving, adopting, legalizing, validating and making fully and completely effective the California state buildings and state university buildings bonds act of 1925 as passed by the senate and assembly at the forty-sixth session of the legislature and approved by the governor.

[Filed with Secretary of State April 27, 1925.]

Proposed
constitutional
amendment.

Resolved by the senate, the assembly concurring, That the legislature of the State of California at its regular session commencing on the fifth day of January, one thousand nine hundred twenty-five, two-thirds of the members elected to each of the two houses of the said legislature voting therefor, hereby proposes to the people of the State of California that the constitution of said state be amended by adding to article sixteen thereof a new section to be numbered four, reading as follows :

State build-
ings and
state univer-
sity buildings
bonds, 1925.

Sec. 4. The issuance and sale of eight thousand five hundred bonds of the State of California in the denomination of one thousand dollars each, and the use and disposition of the proceeds of the sale of said bonds, all as provided in the California state buildings and state university buildings bonds act of 1925, as passed by the senate and assembly at the forty-sixth session of the legislature and approved by the governor, authorizing the issuance and sale of state bonds in the sum of eight million five hundred thousand dollars for the purpose of providing a fund for the completion and equipment of state buildings at Sacramento, for the erection and equipment of a state building at Los Angeles, for the erection and equipment of a building or buildings for the University of California at Berkeley, and for the erection and equipment of a building or buildings for the University of California at Los Angeles, is hereby authorized and directed. and the said California state buildings and state university buildings bonds act of 1925 is hereby approved, adopted, legalized, validated and made fully and completely effective. All provisions of this section shall

be self-executing and shall not require any legislative action in furtherance thereof, but this shall not prevent such legislative action. Nothing in this constitution contained shall be a limitation upon the provisions of this section.

CHAPTER 73.

Senate Constitutional Amendment No. 40—Relative to revenue and taxation.

[Filed with Secretary of State April 27, 1925.]

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 paragraph to section fourteen of article thirteen thereof, to be designated as section fourteen *aa* relating to revenue and taxation:

Proposed
constitutional
amendment.

Resolved by the senate, the assembly concurring, That the legislature of the State of California, at its regular session commencing on the fifth day of January, one thousand nine hundred twenty-five, two-thirds of 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 adding a new paragraph to section fourteen of article thirteen thereof, to be designated as section fourteen *aa*, to be inserted after the last paragraph of subdivision *a* of said section and to read as follows:

Subject to the power vested in the legislature by this constitution to change the rate in this section prescribed, the percentage of tax in the last paragraph of subdivision *a* of section fourteen of article thirteen of this constitution levied on all separately operated steam railroads that do not exceed two hundred fifty miles in length and that are not operated as a part of another railroad or railroad system owning or operating a line or lines of railroad in excess of two hundred fifty miles in length shall be five and one-quarter per cent fixed upon their gross receipts from the operation ascertained as in this constitution provided; *provided, however,* that in the event that it shall be hereafter finally determined by the courts that the classification herein made is inconsistent with or repugnant to the provisions of the United States constitution or prejudicial to the rights of the state to tax other steam railroad companies operating longer lines of railways at a different and higher rate of tax, then this amendment shall be void, and the rate of tax levied upon the railroads herein included and all steam railroads shall be seven per cent, or such other rate as may hereafter be adopted, fixed upon their gross receipts from operation ascertained as in this constitution provided.

Taxation of
short line
railroads.

CHAPTER 74.

Senate Constitutional Amendment No. 11—Relative to salaries of justices of the supreme court, of the district courts of appeal and of the judges of the superior courts. A resolution to propose to the people of the State of California an amendment to the constitution of said state by amending section seventeen of article six thereof, relating to the salaries of justices of the supreme court, of the district courts of appeal and of the judges of the superior courts.

[Filed with Secretary of State April 27, 1925.]

Proposed
constitu-
tional
amendment.

Resolved by the senate, the assembly concurring. That the legislature of the State of California at its regular session commencing on the fifth day of January, one thousand nine hundred twenty-five, two-thirds of all members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes to the people of the State of California that section seventeen of article six of the constitution of this state be amended to read as follows:

Compensa-
tion of
justices
and judges.

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. Three thousand dollars shall be paid by the state upon the salary of each superior court judge, the remainder of such salary, as the same is now or may hereafter be established, shall be paid by the county for which he is elected.

CHAPTER 75.

Senate Concurrent Resolution No. 22—Relative to the creation of a joint committee of the senate and assembly for the purpose of making a thorough, exhaustive study into the narcotic situation in California and recommending measures for the care and rehabilitation of narcotic addicts.

[Filed with Secretary of State April 27, 1925.]

Committee to
study use
of narcotic
drugs.

WHEREAS, The widespread use of habit-forming narcotic drugs throughout California has resulted in the physical, mental and moral degeneration of thousands of our people; and

WHEREAS, No adequate successful method of restoration and rehabilitation of confirmed drug addicts has as yet been devised; be it

Resolved by the senate of the State of California, the assembly concurring. That there is hereby created a joint committee of the senate and assembly, to consist of one member of the senate to be appointed by the president of the senate and one member of the assembly to be appointed by the speaker of the assembly, whose duty it shall be to make a thorough and exhaustive study of the use of narcotic drugs in

the State of California, and to report their findings and recommendations to the governor not later than the first day of December, A. D. 1926, in order that he may submit the same, together with such comment thereon as he may deem appropriate, to the legislature at its next ensuing session. To this end, the joint committee hereby created is hereby authorized and empowered to call to its assistance such of the superintendents of state hospitals or other medical experts employed in the service of the state as the governor may designate and request to act in such capacity, and also such officers and employees of the government of the United States, having special knowledge of the subject matter hereof, as the heads of departments of the federal government may, upon the invitation of the governor, delegate to cooperate with and assist such committee in the performance of the duties hereby imposed upon it.

The members of said committee, and the state and federal officers and employees appointed or delegated to assist it, shall receive no compensation for such services, other than their official salaries, but shall be reimbursed for their actual expenses necessarily incurred hereunder, not exceeding the amount hereinafter specified. Such committee is hereby authorized to employ a competent stenographer to assist in the preparation and transcription of its report, at a salary not over one hundred fifty dollars per month for the time actually employed. The expenses incurred by such committee under the authority hereof shall be payable out of the moneys heretofore or hereafter appropriated for the contingent expenses of the senate and assembly at this session of the legislature, payable one-half from the contingent fund of the senate and one-half from the contingent fund of the assembly, but not exceeding the sum of two thousand five hundred dollars in all, which sum, or so much thereof as may be necessary, so composed, is hereby set apart, reserved and appropriated out of said respective contingent funds for the purposes aforesaid, to be disbursed, from time to time, upon controller's warrants to be drawn against said contingent funds, upon the written orders of the chairman of such joint committee. And be it further

Resolved. That the governor be, and he hereby is, requested to designate and appoint one or more superintendents of state hospitals, and such other medical experts employed in the service of the state as he may deem to be specially skilled in the care and treatment of narcotic addicts, to cooperate with and assist such joint committee in the performance of the duties hereby enjoined; also, that the governor be and hereby is requested to forward certified copies of this resolution to the attorney general of the United States and to the secretary of the treasury, inviting the aid and cooperation of their respective departments in the performance of such duties.

CHAPTER 76.

Senate Concurrent Resolution No. 25—Relative to the National Editorial Association.

[Filed with Secretary of State April 27, 1925.]

National
Editorial
Association.

WHEREAS, The National Editorial Association, composed of more than two thousand small city and country town newspaper editors and publishers of the United States, holds annual meetings in various parts of the nation; and

WHEREAS, It is understood that this association will be invited to meet in California in June, one thousand nine hundred twenty-six, the invitation to be extended by the California Press Association, the Southern California Editorial Association, the Los Angeles Chamber of Commerce, the San Francisco Chamber of Commerce and other commercial organizations; therefore, be it

Resolved by the senate, the assembly concurring, That the State of California does hereby join in this welcome to the newspaper editors of America, assuring them that the Golden State desires to be their host during the time of their annual convention and outing, and that nothing will be left undone to show this body of publicists the beauty and the prowess of our commonwealth, its commanding position in agriculture and industry, its maritime importance, its charm of mountain, sea and desert—the great Pacific empire, builded by American brain and brawn; and be it further

Resolved, That an engrossed copy of this resolution, signed by the president of the senate and the speaker of the assembly, be forwarded by the secretary of the senate to the president of the National Editorial Association.

CHAPTER 77.

Senate Concurrent Resolution No. 27—Approving amendments and additions to the charter of the city of Oakland, a municipal corporation in the county of Alameda, State of California, voted for and ratified by the qualified electors of said city at a nominating municipal election held therein on the twenty-first day of April, one thousand nine hundred twenty-five.

[Filed with Secretary of State April 27, 1925.]

Oakland
city charter
amendments.

WHEREAS, Proceedings have been had and taken for the proposal, adoption and ratification of certain amendments and additions hereinafter set forth to the charter of the city of Oakland, a municipal corporation in the county of Alameda, State of California, as set out in the certificate of the mayor and the city clerk of said city of Oakland as follows to wit:

STATE OF CALIFORNIA }
 COUNTY OF ALAMEDA } ss:
 CITY OF OAKLAND }

We, the undersigned, JOHN L. DAVIE, Mayor of the City of OAKLAND, State of California, and EUGENE K. STURGIS, City Clerk of said City, do hereby certify and declare as follows:—

THAT the City of Oakland a Municipal Corporation in the County of Alameda, State of California, now is and at all times herein mentioned was a City containing a population of more than three thousand five hundred inhabitants, and has been ever since the 1st day of July, 1911, and is now, organized, existing, and acting under a freeholder's Charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said City at an election duly held for that purpose on the 8th day of December, 1910, and approved by the Legislature of the State of California, by concurrent Resolution filed with the Secretary of State on the 15th day of February 1911 (Statutes of 1911, p. 1551.)

THAT in pursuance of Section 8 of Article XI of the Constitution of the State of California, on its own motion, the Council of the City of Oakland, being the Legislative body of said City, by and in pursuance of Resolution No. 31792 N. S., passed by the said Council on the 6th day of March, 1925, and by and in pursuance of Resolution No. 32022 N. S., passed by said Council on the 1st day of April, 1925, duly submitted to the qualified electors of said City of Oakland certain proposals for the amendments and additions of the Charter of said City, to be voted on by said qualified electors at the Nominating Municipal Election held in said City on the 21st day of April, 1925, which said proposals were and are in words and figures following, to-wit:

That the first paragraph of Section 91 of said Charter be amended to read as follows:

Sec. 91. The officers and members of the Police Department shall receive annual compensations comprising their salaries of not less than the amounts hereinafter set forth, to-wit:

Salaries of policemen.

Chief of Police.....	\$5400.00
Captain of Inspectors.....	4200.00
Captains of Police, each.....	3600.00
Lieutenants, each	3000.00
Inspectors, each	2760.00
Assistant Inspectors, each.....	2640.00
Sergeants, each	2640.00
Corporals, each	2580.00
Patrolmen, 1st year of employment, each.....	2160.00
Patrolmen, 2nd year of employment, each.....	2280.00
Patrolmen, 3rd year of employment, each.....	2400.00

That Section 96½ be amended to read as follows:

Matrons,
salaries and
pensions.

Sec. 96½. There shall be employed in the Department of Public Health and Safety such number of matrons and substitute matrons of the City Prison as the Council shall from time to time prescribe by ordinance, providing that such number of matrons shall be not less than three and that such number of substitute matrons shall not be less than one. The matrons and substitute matrons holding positions under Ordinances Nos. 189 N.S. and 530 N.S. on January 17, 1919, shall be entitled to appointment by the Commissioner of Public Health and Safety to the first three positions of matron and the first position of substitute matron created hereunder. All other appointments of matrons and substitute matrons shall be made by the Commissioner of Public Health and Safety from the eligible list of the Civil Service Board.

The compensation of said matrons shall be not less than \$1,920.00 per annum each. Such compensation shall be payable in equal monthly installments. The compensation of said substitute matrons shall be at the rate of not less than \$1,920.00 per annum each, to be paid only for the time during which said substitute matrons shall actually perform the services of matrons. There shall be allowed to each of said matrons and substitute matrons in addition to their compensation, the sum of \$2.00 per month for the Police Relief and Pension Fund, which said \$2.00 per month shall be retained by the Treasurer of the City of Oakland and forthwith paid by the City Treasurer into the said Police Relief and Pension Fund. Said matrons and substitute matrons shall be entitled as if officers or members of the Police Department to all of the rights, privileges and benefits conferred by Sections 92, 92½, 93, 94, 95 and 96 of the Charter upon officers or members of the Police Department. Each of the matrons holding position on January 17, 1919, shall be entitled to have the aggregate time of service rendered by her under all previous appointments added to and included with her time of service under the appointment to be made pursuant hereto in computing her years of service for the purpose of establishing her rights, privileges and benefits under Sections 94 and 96. The substitute matron holding position of January 17, 1919, shall be entitled to have the aggregate time of actual service rendered by her under all previous appointments added to and included with her time of actual service under the appointment to be made pursuant hereto in computing her years of actual service for the purpose of establishing her rights, privileges and benefits under Sections 94 and 96.

That the eighth paragraph of Section 97 of said Charter be amended to read as follows:

Salaries of
firemen.

The members of the Fire Department shall receive annual compensations comprising their salaries of not less than the amounts hereinafter set forth, to-wit:

Chief of the Fire Department-----	\$5400.00
First Assistant Chief of the Fire Department-----	4200.00
Second Assistant Chief of the Fire Department-----	4200.00
Battalion Chiefs, each-----	3600.00
Superintendent of Engines, each-----	3900.00
Captains, each-----	2820.00
Lieutenants, each-----	2670.00
Engineers, each-----	2640.00
Chiefs' Operators, each-----	2520.00
Stokers and Hoseman, first year of employment, each	2160.00
Stokers and Hosemen, second year of employment, each-----	2280.00
Stokers and Hosemen, third year of employment, each	2400.00

The amendments specified in this proposal shall take effect from and after July 1, 1925.

That subdivision 46 of Section 51 of said Charter be amended to read as follows:

(46) To order the whole or any portion or portions either in length or in width, of any one or more of the streets, avenues, lanes, alleys, courts, places, public ways of the City or property or rights of way owned by the city, to be improved by or to have constructed therein, either singly or in any combination thereof any of the following, namely:

Street and other special improvements.

(a) The grading or regrading, the paving or repaving, the planking or replanking, the macadamizing or remacadamizing, the graveling or regraveling, the oiling or reoiling thereof.

(b) The construction or reconstruction of sidewalks, crosswalks, steps, parks and parkways, culverts, bridges, curbs, gutters, tunnels, subways or viaducts.

(c) Sanitary sewers or instrumentalities of sanitation, together with the necessary outlets, cesspools, manholes, catch basins, flush tanks, septic tanks, disposal plants, connecting sewers, ditches, drains, conduits, tunnels, channels or other appurtenances.

(d) Drains, tunnels, sewers, conduits, culverts and channels for drainage purposes; with necessary outlets, cesspools, manholes, catch basins, flush tanks, septic tanks, disposal plants, connecting sewers, ditches, drains, conduits, channels and appurtenances.

(e) Poles, posts, wires, pipes, conduits, tunnels, lamps, and other suitable or necessary appliances for the purpose of lighting said streets, avenues, lanes, alleys, courts, places, or public ways of any such city or property or rights of way owned by any such city.

(f) Pipes, hydrants and appliances for fire protection.

(g) Breakwaters, levees, bulkheads and walls of rock or other material to protect the streets, avenues, lanes, alleys, courts, places, public ways and other property in any such city, from overflow by water.

(h) Wells, pumps, dams, reservoirs, storage tanks, channels, tunnels, conduits, pipes, hydrants, meters or other appurtenances for supplying or distributing a domestic water supply.

(i) Retaining walls, embankments and other structures necessary or suitable in connection with any of the work mentioned in this section.

(j) All other work which may be deemed necessary to improve the whole or any portion of such streets, avenues, lanes, alleys, courts, places, public ways or property or rights of way owned by such city.

(k) All other work auxiliary to any of the above, which may be required to carry out the same.

Special assessments.

Whenever, in the judgment of the Council, the cost and expense, or any portion thereof, of any of the foregoing improvements is to be paid by special assessments on private property, the general laws of the State of California in force at the time of the improvement may be used to govern or control the proceedings therefor. The Council is hereby empowered to provide by ordinance, which may from time to time be revised or amended, a method of procedure for the doing of any of the foregoing improvements, and in said ordinance to make the costs and expenses of such work, including all incidental expenses and any damages to private property occasioned thereby, and the cost of acquisition of rights of way, payable in whole or in part from the General Fund of the city, or by assessments upon private property; to make such assessments a lien upon the abutting property or upon property in districts according to benefit, which lien shall be a first lien paramount to all other liens except those for state, county and municipal taxes; to make and enforce provisions for the enforcement of such lien; to levy and collect, or cause to be levied and collected, assessments upon property according to frontage, or upon property in districts according to benefits, to pay the cost of any such improvement; and whenever any lot, piece or parcel of land belonging to the United States or to the State of California or to the County of Alameda or the City of Oakland, or to any public agent or mandatory of the government, whether federal, state, county or municipal, and being used in the performance of any public governmental function, shall front upon any work or improvement done hereunder, or shall be included within the district declared to be benefited thereby and to be assessed to pay the cost and expenses thereof, said lots, pieces or parcels of land so owned or in use, or any of them, may be omitted from the assessment to be made to cover the cost and expense of the work or improvement, in which event the total expense of all work done, including incidental expenses, damages and cost of acquisition of rights of way, shall be assessed on the remaining lots, pieces or parcels of land 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; and to issue, or cause to be issued, bonds bearing interest extending over a period not exceeding twenty-five years to represent any and all assessments; to provide the form of such bonds and prescribe the manner and method of issu-

ance and to provide that such bonds shall create a lien in the form provided as to such assessments, and to provide the method and machinery for the collection of the principal and interest of said bonds. The powers herein granted to the city shall be supplemental, additional and alternative powers to those conferred upon municipalities by general laws of the State of California now or hereafter enforced.

That subdivision 47 of Section 51 of said Charter be amended to read as follows:

(47) To order the opening, extending, widening, straightening, or closing of any street, lane, alley, court, or public place within the city or over tide lands or lands within the City covered by the waters of the Estuary of San Antonio or of any Bay and to condemn and acquire any and all property necessary for that purpose. Street opening, etc.

Whenever, in the judgment of the Council the cost and expense of any of the foregoing improvements should 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; excepting, however; (1st) that Commissioners and secretaries shall receive no compensation for duties performed as such Commissioners and secretaries; (2nd) that all legal assistance shall be furnished by the City Attorney of the City, who shall receive no additional compensation therefor; (3rd) in this Charter to the contrary notwithstanding, city officials and other employes of the city shall be eligible to act as commissioners and secretaries.

To make provision for the deposit with the Treasurer, by any person, firm or corporation desiring to open any sidewalk, street, alley, lane, court, park or other public place, for the purpose of laying or removing any pipe, wire conduit, sewer or other structure therein, of moneys sufficient to cover the cost of refilling and covering such openings and restoring the sidewalk, street, lane, alley, court, park or other public place to the condition in which it was before such opening was made; and to provide for the doing of such work at the expense of the person, firm or corporation making such opening, such expense to be paid out of such deposit. Repairing damaged streets, etc.

That a section to be known as Section 174½ of said Charter be added to read as follows:

Section 174½. The Council in submitting proposals of its own motion to amend the Charter or to incur a bonded indebtedness, shall provide for the formulation and printing of a statement not exceeding 500 words in length, descriptive of and explaining the nature or purpose of such proposal. The statement shall be mailed and distributed by the City Clerk to each voter in connection with the sample ballots and printed copies of proposed amendments, and the expense thereof shall be a charge against the appropriation made for such election. Statement to be published.

That Sections 54, 58, 65, 72, 80, 81 and 82 of said Charter be amended, and Section 80½ of said Charter be added to read respectively as follows:

Library directors: organization, powers and duties.

Sec. 54. The Directors shall organize by electing one of their number president; the person elected president shall hold his office for one year and until his successor is elected. The librarian shall act as secretary to the Board. The Board must hold regular meetings at least once a month. The Board shall establish rules and regulations for its government and for the performance of its duties. The Board shall establish rules and regulations for the conduct of its officers and employees, and may require adequate bonds from any and all of them except laborers, for the faithful performance of their duties, in such sums as may be fixed by it. Such bonds shall be approved by the Mayor and Auditor, and filed in the office of the City Clerk.

The secretary shall keep a full account of all property, money receipts and expenditures, and a record of all proceedings of the Board. The votes of all of its members shall be recorded in the minutes with the ayes and noes.

The Board shall have the exclusive management and disposal of all funds legally appropriated or received from any source for the support or benefit of said Oakland Free Library, Public Museums and Art Galleries.

The Board of Library Directors may, for and in behalf of the City of Oakland, receive donations, legacies or bequests for the establishment, extension, improvement, maintenance or benefit of said libraries, reading rooms, museums and art galleries, and all moneys that may be derived from such donations, legacies or bequests shall, unless otherwise provided by the terms of such donations, legacies, or bequests, be deposited in the Treasury of the City of Oakland to the credit of the Library Fund. The same may be withdrawn therefrom and paid out only in the same manner as is provided for the payment of moneys legally appropriated for the support and benefit of said The Oakland Free Library, Public Museums and Art Galleries. If the money derived from such donations, legacies, or bequests shall, at any time, exceed in amount the sum necessary for immediate expenditure for said library, reading rooms, museums or art galleries, all, or part of the same may be invested by the Board in interest bearing bonds of the United States, or of the State of California, or of any municipality, or school district thereof.

The Council must annually appropriate to the Board of Library Directors such amount as shall be sufficient to maintain and preserve the said The Oakland Free Library, Reading Rooms, Museums and Art Galleries in the City of Oakland, and shall appropriate such further sums for their extension, improvement and benefit, as, in the judgment of the Council, may be necessary or appropriate; and the sums so appropriated shall be credited to the Library Fund, and the Board of

Library Directors shall have the exclusive management and disbursement of the same.

The Board of Library Directors shall have power:

(a) To make and enforce all rules, regulations and bylaws necessary for the administration, government and protection of said The Oakland Free Library, Museums and Art Galleries and all property belonging thereto, or under its control, or that may be loaned thereto.

(b) To prescribe the duties and powers of the Librarian and other officers and employees of the libraries, museums, art galleries, and reading rooms; to determine the number of all such officers and employees; appoint the same in accordance with the provisions of civil service, and fix their compensation.

(c) To purchase necessary or convenient books, journals, publications, art objects, scientific and other objects suitable for museums, and other personal property.

(d) To require the Secretary of State, or other State officials to furnish said Library with copies of any and all reports, laws, and other publications of the state not otherwise disposed of by law.

(e) 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 it may prescribe.

(f) To establish such branch libraries, reading rooms, museums and art galleries as the growth of the city may from time to time require.

(g) To contract with the legislative bodies of neighboring municipalities, or the Board of Supervisors of Alameda County, for lending the books of the library to residents of said County, or neighboring municipalities, upon a reasonable compensation to be paid by said County or neighboring municipality.

(h) To do and perform any and all other acts and things necessary and proper to carry out the provisions of this Article.

(i) The Board of Library Directors shall also have such powers and duties, not inconsistent with the provisions of this Charter, as are now vested in or imposed upon Boards of Library Trustees by the act of the Legislature of the State of California, entitled "An Act to amend an Act approved March 23rd, 1901, and entitled 'An Act to provide for the establishment and maintenance of Public Libraries within Municipalities,'" approved April 12th, 1909, or by such other acts of said Legislature as may be hereafter enacted, amendatory thereof, supplemental thereto, or as may hereafter be substituted therefor.

Sec. 58. The Board of Playground Directors shall have the complete and exclusive control, management, and direction of all public playgrounds, recreation centers, and summer camps owned or controlled by the city, and the exclusive right to provide proper apparatus, equipment, and facilities therefor and to erect and superintend the construction of

General
powers of
Board of
Playground
Directors.

buildings thereon, pertaining to purposes of recreation. Said Board of Directors may employ and appoint, in accordance with the provisions of civil service, superintendents, laborers, instructors and other officers and assistants, and prescribe and fix their duties, authority and compensation; they shall have the exclusive management and disposal of all funds legally apportioned or received from any source for the support of said playgrounds, recreation centers, and summer camps, or of the other activities of the Board of Playground Directors, as authorized by this article. The Board shall establish rules and regulations for the conduct of its officers and employees, and may require adequate bonds from any or all of them, except laborers, for the faithful performance of their duties, in such sums as may be fixed by it; such bonds shall be approved by the Mayor and Auditor and filed in the office of the City Clerk. The Directors shall organize by electing one of their number President, and the Board may elect a Secretary who is not a member of the Board. The person elected president shall hold his office for one year and until his successor is elected. The Board must hold regular meetings at least once in every two weeks; the Board shall establish rules and regulations for its government and for the performance of its duties.

Organization
of Board.

General
powers of
Board of
Park
Directors.

Sec. 65. The Board of Park Directors shall have the complete and exclusive control, management and direction of the said parks, squares and grounds and the exclusive right to erect and to superintend the erection of the buildings and structures thereon pertaining to park purposes; provided, however, that the Council may erect or cause to be erected any municipal building or buildings thereon. Said directors may employ and appoint superintendents, laborers, surveyors, gardeners, engineers and other officers and assistants in accordance with the provisions of civil service, and prescribe and fix their duties, authority and compensation. They shall have the exclusive management and disposal of all funds legally apportioned or received from any source for the support of said parks, squares, and grounds. The Board shall establish rules and regulations for the conduct of its officers and employees and may require adequate bonds from all or any of them, except laborers, for the faithful performance of their duties in such sums as may be fixed by it. Such bonds shall be approved by the Mayor and Auditor and filed in the office of the City Clerk. The Directors shall organize by electing one of their number President and the Board may elect a Secretary who is not a member of the Board. The person elected President shall hold his office for one year and until his successor is elected. The Board must hold regular meetings at least once in every two weeks. The Board shall establish rules and regulations for its government and for the performance of its duties.

Organization
of Board.

Classified
civil service.

Sec. 72. The Board shall classify all places of employment now existing or hereafter created in or under the Department

of Public Affairs, in or under the Department of Revenue and Finance, in or under the Department of Public Health and Safety, in or under the Department of Public Works, and in or under the Department of Streets, and in the office of the Auditor, in or under the Board of Library Directors, in or under the Board of Playground Directors and in or under the Board of Park Directors, excepting the places and offices specified in Section eighty (80) hereof. The places so classified by the Commissioners shall constitute the classified civil service of the City, and no appointment to any such place shall be made, except according to the rules hereinafter mentioned.

The Board shall provide for an eligible list from which vacancies shall be filled, for a period of probation before employment is made permanent, and for promotion on the basis of merit, experience and record.

The Council, whenever requested by the Board, may by ordinance confer upon the Board such rights, duties and privileges other than those mentioned in this Charter, as may be necessary adequately to enforce and carry out the principles of Civil Service.

Additional
powers, etc.

Sec. 80. The provisions of this Article shall apply to all appointed officers and employces of the City in or under any of the Departments enumerated in Section seventy-two (72) of this Charter except the following:

Exemptions
from civil
service
regulations.

The Chief Officials of the City enumerated in Section Thirty (30) of this Charter; the Building Inspector; the City Wharfinger; the License Inspector; the Bacteriologist; the City Chemist; the Sanitary Inspector, the Market and Food Inspector; the Plumbing Inspector; the Mayor's Secretary; the Assistant City Attorneys; the members of the Board of Library Directors, Board of Playground Directors and Board of Park Directors, and such other officers and employees of the City not included either in the Police Department or in the Fire Department, as may be excepted from the operation of the civil service rules, upon the recommendation of the Council, approved by the unanimous vote of the Civil Service Board. Provided, that persons employed by the City and persons employed in the City Engineer's office on September 1, 1910, may retain their employment under the City, subject to classification and reclassification by the Civil Service Board without further examination, unless removed for cause or unless it shall be determined by the Civil Service Board that their employment by the City is unnecessary.

Sec. 81. All persons holding positions in the classified civil service shall be subject to suspension, fine and also to removal from office or employment, by the Commissioner in whose department they are employed, or, in case of persons employed in the office of the Auditor by the Auditor, and in case of persons employed by a Board by the majority of such Board acting by Resolution, for misconduct, incompetency or failure to perform their duties under or observe the rules and regulations of the Department or office; but subject to the

Removal;
suspension;
fine.

appeal of the aggrieved party to the Civil Service Board as herein provided.

Any chief official, any subordinate officer and any superintendent or foreman in charge of municipal work may temporarily suspend any subordinate then under his direction for incompetency, neglect of duty or disobedience of orders, but shall within twenty-four hours thereafter report the facts in writing to the Commissioner of his Department or to the Auditor or the Board, as the case may be, and furnish a copy of the report to the subordinate suspended, upon his request therefor. The Commissioner, Auditor or Board, shall thereupon, if demanded by the subordinate suspended, hear evidence for and against him, and shall thereupon affirm or revoke such suspension, according as he or it finds the facts to warrant.

Appeals.

Sec. 82. Any person suspended, fined or discharged (and any person whose order of suspension above provided for has been revoked) may within five days from the making by a Commissioner, the Auditor or Board, of the order suspending, fining or discharging him, or affirming or revoking an order of suspension, as the case may be, appeal therefrom to the Civil Service Board, which shall fully hear and determine the matter. The accused shall be entitled to appear personally, and to have counsel and a public hearing. The finding and decision of the Civil Service Board shall be certified to the Board or official from whose order the appeal is taken, and shall forthwith be enforced and followed by him or it.

That a section to be known as Section 80½ of said Charter be added to read as follows:

Employees to hold over.

Sec. 80½. Persons employed by or holding any position in or under the Board of Library directors, the Board of Playground Directors, or the Board of Park Directors on January 1, 1925, may retain their employment under the city, subject to classification and re-classification by the Civil Service Board, without further examination, unless removed for cause, or unless it shall be determined by the Civil Service Board that their employment by the City is unnecessary.

That a section to be known as Section 128½ of said Charter be added to read as follows:

Labor provisions of contracts.

Sec. 128½. Every contract for work to be performed within the State of California at the expense of the City or paid for out of moneys deposited in the Treasury, whether such work is to be done within or outside the limits of the City, and whether such work be done directly by or under such contract duly awarded, or indirectly by or under subcontract, subpartnership, day labor, station work, piece work or any other arrangement whatsoever must provide: (1) That in the performance of the contract, eight hours shall be the maximum hours of labor on any calendar day, and that the minimum wages or compensation of persons performing labor in the execution of such contract, subcontract, subpartnership, day labor, station work, piece work or other arrangement,

shall be three dollars per day; (2) that any person performing labor in the execution of such contract shall be a citizen of the United States or have declared his intention of becoming such; (3) that preference in the performance of labor under such contract or other arrangement shall be given to persons who shall have actually resided in the City and shall have so resided for the period of one year next preceding the date of their engagement to perform labor thereunder. The foregoing provisions designated (1), (2) and (3) must also apply to persons performing labor in the commissary or other auxiliary department of labor conducted in the course of the execution of such contract or any part thereof; and the said provisions shall also apply in any work done for or by the City, or by any officer, board or commission thereof, when such work is to be done at expense of the City or paid for out of moneys deposited in the Treasury. Any contract for work to be performed under the provisions of this Article which does not comply with the provisions thereof, shall be null and void, and any officer who shall sign the same shall be deemed guilty of misfeasance and upon proof of such misfeasance shall be removed from office.

That a section to be known as Section 161a of said Charter be added to read as follows:

Sec. 161a. Upon the written application of the owner or operator of a street railway over a route authorized by two or more franchises, the term of one of which franchises will expire within five years or less of the date of the application and the term of the other of which franchises will expire at a later date, who desires to jointly use the tracks of a differently owned and operated street railway for a distance of not more than six blocks in lieu of a portion of the route specified in the longer franchise and also to connect the tracks authorized by the shorter franchise with the tracks of such other street railway, the Council may grant permission for such joint use and may also grant a new franchise for a distance of not to exceed fourteen blocks covering the portion of the route described in the shorter franchise, and may also grant a new franchise for a distance not to exceed one block so as to permit a connection between the tracks described in the longer franchise and the tracks of the other street railway. The term of such permission and franchise shall not exceed the remaining life of the franchise of such other street railway. Only the provisions of Statutes 1905, page 777, of the State of California, and acts amendatory and supplemental thereto, and the provisions of Sections 137, 138, 142, 143, 144, 147, 148, 149, 150, 151, 152, 153, 154, 157, 158, 159, 160 and 161 of this Charter, in so far as they have not been changed, altered or repealed by the Constitution of the State of California, shall govern and be applicable to the granting of the franchises mentioned in this section. Such franchises shall be subject to the right of

Joint use
of tracks.

the city to acquire the same by condemnation in the manner provided by law.

Certificate.

That said proposed amendments and additions were and each of them was published and advertised as required by law in the official newspaper of said city, to wit: the Oakland Tribune.

That pursuant to section 4 of the charter of the City of Oakland, a regular nominating municipal election was duly held in said city on Tuesday the 21st day of April, 1925, at which said election the foregoing proposed amendments and additions to the charter of said city were duly submitted to the qualified electors of said city for their ratification pursuant to the resolutions hereinbefore mentioned.

That 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 the proposed amendments and additions to the charter of the City of Oakland hereinabove set forth.

That the City Council of the City of Oakland at a meeting held on the 22nd day of April, 1925, at the time and in the manner required by law, duly canvassed the returns of said election, and duly found, determined and declared that a majority of said qualified electors voting thereon had voted for and ratified each and all of said proposed amendments and additions to said charter hereinabove set forth.

IN WITNESS WHEREOF we have hereunto set our hands and caused the seal of said city to be affixed this 22nd day of April, 1925.

[SEAL]

JOHN L. DAVIE,
Mayor of the City of Oakland.

EUGENE K. STURGIS,
City Clerk of the City of Oakland.

and

Approval by
legislature.

WHEREAS, The said proposed amendments and additions 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 in accordance with section eight of article eleven of the constitution of the State of California; now, therefore, be it

Resolved by the senate of the State of California, the assembly thereof concurring (a majority of all the members elected to each house voting therefor and concurring therein), That said amendments and additions to the charter of the city of Oakland as proposed to and adopted and ratified by the electors of said city, and as hereinbefore fully set forth, be and the same are and each of them is hereby approved as a whole without amendment or alteration for and as amendments and additions to, and as a part of the charter of the city of Oakland.

CHAPTER 78.

Senate Joint Resolution No. 21—Relating to the classification act of one thousand nine hundred twenty-three.

[Filed with Secretary of State April 27, 1925.]

WHEREAS, A bill known as H. R. six thousand eight hundred ninety-six to amend an act entitled "The classification act of one thousand nine hundred twenty-three," approved March 4, 1923, failed to pass at the last session of congress; and

WHEREAS, The purpose of this said bill is to abolish the personnel classification board created by the act entitled, "the classification act of one thousand nine hundred twenty-three, and to transfer the powers, duties and functions vested in said personnel classification board to the United States civil service commission; and

WHEREAS, As the passage of this said bill H. R. six thousand eight hundred ninety-six by congress will be beneficial to the federal employees; now therefore be it

Resolved by the senate and assembly of the State of California, jointly, That the legislature of the State of California does hereby heartily approve and indorse this measure and earnestly request the senators and representatives of the State of California to do their utmost to secure the passage of this measure; and be it further

Resolved, That the secretary of the senate is hereby directed to forward copies of these resolutions to the senators in the State of California.

CHAPTER 79.

Senate Joint Resolution No. 23—Relating to pay increases of government employees.

[Filed with Secretary of State April 27, 1925.]

WHEREAS, In the appropriation for allowed increase of compensation for government employees other than post office employees contained in bill H. R. nine thousand five hundred sixty-one, passed by the sixty-eighth congress, first session. The packers and other lower paid employees of the war department have only received one thousand two hundred forty dollars per annum, the other laborers one thousand three hundred twenty dollars per annum, which merely made the increase of two hundred forty dollars the federal employees had received every year permanent; and

WHEREAS, Other highly paid employees have received substantial increases in addition to the two hundred forty dollars bonus; now therefore be it

Resolved by the senate and assembly of the State of California, jointly, That the legislature of the State of California urgently petition and request that congress provide proportionate pay increases to all classes of employees in government service and to provide for a minimum annual salary of fifteen hundred dollars for the above named employees; and be it further

Resolved, That the secretary of the senate is hereby directed to send copies of these resolutions to the secretary of war, the secretary of the treasury and to the senators and representatives of the State of California in congress.

CHAPTER 80.

Senate Joint Resolution No. 28—Relating to the appointment of a legislative committee to negotiate with like committee from the states of Arizona and Nevada for the purpose of settling the respective rights of lower basin states in and to the waters of the lower basin of the Colorado river system.

[Filed with Secretary of State April 27, 1925.]

Allocation
of waters
of lower
Colorado
river.

WHEREAS, Pursuant to an act of congress and acts of the various states hereinafter mentioned, representatives of the United States of America and of the states of Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming, met at Santa Fe, New Mexico, and did on the twenty-fourth day of November, 1922, enter into and execute a compact, known as the Colorado river compact, which compact was subject to ratification as therein provided; and

WHEREAS, Said compact has been formally ratified by six of said states; and

WHEREAS, For the purpose of said compact and the allocation of the waters of the Colorado river system therein described, the aforesaid states were grouped into what is therein defined as the upper basin and the lower basin, which lower basin comprises the states of Arizona, California and Nevada; and

WHEREAS, In and by said compact there was allocated to said lower basin certain portions of the waters of said Colorado river system; and

WHEREAS, It is desirable to have the respective rights of the states in said lower basin, in and to the use of said waters of said Colorado river system, so allocated to said lower basin, determined, fixed and defined; now, therefore, be it

Resolved, That a legislative committee consisting of two members of the senate, to be appointed by the president of the senate, two members of the assembly, to be appointed by the speaker of the assembly which committee shall be known as the lower basin legislative committee and which committee shall have authority, and it shall be its duty to confer and negotiate with duly authorized commissions or committees, representing the state of Arizona and the state of Nevada, or either, or with any committee of the congress of the United States, respecting the respective claims and rights of the said states of said lower basin, in and to the waters of said Colorado river system, and said committee is hereby authorized to make any and all investigations which may be or become necessary in order to sufficiently advise the members

of said committee with reference to said matters and of the rights of the State of California and its citizens in and to the use and benefit of the waters of said Colorado river system, and to that end the members of said committee shall have authority to administer oaths, examine and require the attendance of witnesses and perform such other duties as may be necessary to sufficiently apprise the members of such committee of the necessary facts and furnish them with information adequate to enable them to properly perform their duties.

Be it further resolved, That said committee be and it is hereby authorized to enter into an agreement, in behalf of the State of California, with the said states of Arizona and Nevada, or with either of them, fixing and determining the rights of said lower basin states, or either or any of them, in and to the use of the waters of the Colorado river system and shall report at the next session of the legislature its findings, the agreement in respect to the use of such waters, together with its recommendations in regard thereto; *provided, however,* that any agreement entered into by said committee shall not be binding or obligatory upon any of the contracting parties or the states they represent, unless and until such agreement shall have been ratified and approved by the legislatures of the states entering into such agreement and by the congress of the United States.

Be it further resolved, That the members of said committee shall serve without compensation, but each shall be allowed his traveling, hotel expenses and necessary incidental expenses, and said committee shall be authorized to employ such clerical assistance as shall be necessary. The sum of one thousand two hundred fifty dollars is hereby set aside from the contingent fund of the senate, and a like sum from the contingent fund of the assembly, and made available for the purpose of defraying the expenses, if any, of such committee and committeemen, which expenses shall be paid equally from such contingent funds of the senate and assembly, and the state controller is hereby authorized and directed to draw his warrant in favor of the members of said committee for such expenditures as may be certified to him from time to time by said committee, and the state treasurer is hereby authorized and directed to pay the same.

The governor of the State of California shall certify copies of this resolution, and the names and credentials of the committee appointed hereunder to the governors and to the secretaries of state of Arizona and Nevada, and shall arrange with the representatives of said states for a joint meeting of the respective representatives of said states, or with such as wish to meet and negotiate regarding the matters herein mentioned, and shall arrange for a time and place of the holding of such meeting. The state engineer is hereby requested to advise said committee and furnish it with such engineering information and data regarding matters herein mentioned as is within his knowledge or possession.